TWENTY-NINTH ANNUAL REPORT

OF THE

INTERSTATE COMMERCE COMMISSION

(IN TWO PARTS)

DECEMBER 1, 1915

PART I

(Part II is a Detailed Statement of Appropriations and Expenditures and of Persons Employed by the Commission)

WASHINGTON
GOVERNMENT PRINTING OFFICE
1915

THE INTERSTATE COMMERCE COMMISSION.

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REPORT

OF THE

INTERSTATE COMMERCE COMMISSION.

WASHINGTON, D. C., *December 1, 1915.*

To the Senate and House of Representatives:

The Interstate Commerce Commission has the honor to submit herewith its twenty-ninth annual report to the Congress. Except as otherwise noted, the period covered by this report extends from November 1, 1914, to October 31, 1915.

A statement of appropriations for and aggregate expenditures by the Commission for the fiscal year ended June 30, 1915, is embodied in Part I of this report, while the names of the employees and expenditures in detail are set forth in Part II.

The general work of the Commission still continues to increase in volume. While the number of formal complaints filed during the year is smaller than for the preceding year, as is indicated in a subsequent portion of this report, the volume of the work has nevertheless increased, due to the greater scope and intricacy of the problems presented and investigated.

INFORMAL DOCKET.

When an informal complaint is received respecting any matter within the jurisdiction of the Commission, it is taken up with carriers by correspondence in an effort to secure adjustment or satisfaction of the complaint. These complaints are given serial numbers upon what is known as the informal docket of the Commission. During the year ended October 31, 1915, 6,500 such complaints have been received, as compared with 7,880 received during the corresponding period of the preceding year, a decrease of 1,380.

SPECIAL DOCKET.

For the year ended October 31, 1915, there have been filed by carriers 6,690 special docket applications for authority to refund amounts collected in accordance with published charges which have been admitted by the carriers to be unreasonable. This shows an increase of 1,176 over the period covered by the previous report.

Orders have been entered in 4,742 cases, a decrease of 862 as compared with the previous report, and reparation has been awarded in amounts aggregating $312,864.61. There have, in addition, been dismissed, or otherwise disposed of without an order, 2,452 cases, an increase of 583 over the number shown in the last report.

FORMAL DOCKET.

The number of formal complaints filed during the year ended October 31, 1915, is 964, a decrease of 190, as compared with the preceding year. During the same period 902 cases have been decided and 205 have been dismissed by stipulation or otherwise, making a total of 1,107 cases disposed of, as compared with 864 during the preceding year.

During the same period the Commission has conducted 1,543 hearings, in the course of which approximately 200,438 pages of testimony have been taken, as compared with 1,607 hearings and 179,569 pages of testimony during the preceding year.

A mere recital of these figures scarcely gives an adequate idea of the volume of work disposed of and the enormous interests involved in the cases that come before the Commission.

The act requires that a report containing the conclusions of the Commission shall be issued in each case. There is also the requirement that in each case there shall be a full hearing. In the past year 198 cases have been orally argued before the Commission, consuming 103 days of sittings. The Commission has employed some 45 examiners to conduct the hearings, digest testimony, analyze exhibits, and otherwise assist in assembling the pertinent facts that are necessary to reach a decision in each case.

It might have been expected that as the years pass the decisions of the Commission would result in a decrease in the volume of this work, but it has not so developed. The rate structures between various communities are now more often the subject of complaint than was the case in earlier years. The decrease in the number of complaints filed during the year has been more than offset by the complex nature of the cases that have been presented. As the affairs of shippers and carriers are subjected to closer analysis, they are more jealously guarding their respective interests. Elsewhere in this report mention is made of some of the more important investigations undertaken and disposed of during the year.

SUSPENSION OF SCHEDULES.

In previous reports the methods of procedure and practice intended to insure a proper discretion in the exercise of the authority to suspend the operation of any new tariff schedule pending investigation

of the rates, charges, regulations, classifications, or practices therein contained, have been stated, and they remain unchanged. The number of proceedings instituted under this docket during the period November 1, 1914, to October 31, 1915, is 199, a decrease of 4 as compared with the previous year. During that period 210 such cases were disposed of, an increase of 51 as compared with the preceding year. In 56 instances the tariffs under suspension were voluntarily withdrawn by the carriers; in 3 instances the protests were withdrawn and the orders of suspension vacated; in 1 instance reductions were made in the proposed rates, whereupon the protest was withdrawn and the order of suspension vacated; in 50 instances the proposed changes were allowed as filed; in 38 instances they were allowed in part; in 59 instances they were disallowed; and in 3 instances the orders of suspension were vacated by the Commission, good cause appearing therefor. In 3 instances proposed increases, which were disapproved prior to the period covered by this report, were, upon rehearing, permitted to become effective. The Commission declined to exercise the authority to suspend schedules with respect to proposed changes in 368 cases, an increase of 157 as compared with the previous year.

The duty that confronts the Commission when a proposed new tariff schedule has been complained of is to determine as fully as possible within the time before the indicated effective date of the proposed tariff schedule whether *prima facie* it represents an appropriate exercise of the carrier's right to initiate rates, or whether it appears *prima facie* to go beyond the legitimate exercise by the carrier of this function. In order to acquaint itself as far as possible with the facts upon which to exercise its discretionary power of suspension, the Commission requested by circular that in connection with the filing of tariffs carrying increased rates, fares, or charges, the officer of the carrier, or the agent who issues the tariff, shall present a concise statement of the increases proposed therein, showing in a general way the measure thereof and reasons therefor. The Commission has also by circular requested that if protest is to be presented it be filed as far in advance of the effective date of the rate, fare, or charge protested against as is possible, and has called attention to the fact that because of the short time afforded to make proper inquiry, it may be necessary to deny suspension in instances in which the protest is not filed with the Commission at least 10 days prior to such effective date.

INVESTIGATIONS.

The following investigations have been concluded:

Investigation entered in response to Senate resolution of November 6, 1913, concerning the control by the Louisville & Nashville

Railroad Company of certain railroads, steamboat lines, terminals, and docks and the effect of such control on competition; the ownership by the Atlantic Coast Line Company of stock of the Louisville & Nashville Railroad Company and the Atlantic Coast Line Railroad Company; amounts expended or contributed for political purposes; and the number of free passes issued to public officials. Report was made to the Senate February 16, 1915, and appears in 33 I. C. C., at page 168.

Investigation responsive to Senate resolution of October 7, 1914, relative to the ownership, control, and management of the Little Kanawha Railway Company. Report adopted June 14, 1915, will be transmitted to the Senate when it convenes.

Investigation responsive to Senate resolution of February 2, 1914, for the purpose of ascertaining whether or not the United States Steel Corporation or any of its subsidiaries have been guilty of giving or receiving unlawful rebates, offsets, or preferences. Report adopted June 28, 1915, will be transmitted to the Senate when it convenes.

Investigation responsive to Senate resolution of September 28, 1914, concerning the conditions that prevail and that have prevailed in the states of New York, Pennsylvania, West Virginia, Oklahoma, and Ohio or elsewhere with respect to the production, transportation, and marketing of crude petroleum. Report adopted October 11, 1915, will be transmitted to the Senate when it convenes.

Investigation instituted by the Commission on its own motion concerning the financial transactions and history of the Chicago, Rock Island & Pacific Railway Company and its affiliated corporations. Reported in 36 I. C. C., at page 43.

Investigation instituted by the Commission concerning the rates, practices, rules, and regulations governing the transportation of anthracite coal. Reported in 35 I. C. C., at page 220.

Investigation initiated by the Commission concerning the rates, practices, rules, and regulations governing the transportation of iron ore from Minnesota points to Duluth, Minn., and Superior, Wis., for interstate transportation beyond. Reported in 33 I. C. C., at page 541.

Investigation by the Commission on its own motion concerning rates, rules, and regulations governing the stoppage in transit to complete loading and for partial unloading of live stock in western classification territory. Reported in 32 I. C. C., at page 319.

Investigation instituted by the Commission concerning the reasonableness of interstate rates to points in Nevada on the Tonopah & Goldfield Railroad, the Las Vegas & Tonopah Railroad, and the Bullfrog-Goldfield Railroad. Reported in 34 I. C. C., at page 360.

Investigation on order of the Commission in the matter of rates, divisions, rules, regulations, and practices governing the transporta-

tion of railroad fuel coal and other coal originating on the lines of the Carolina, Clinchfield & Ohio Railway. Reported in 36 I. C. C., at page 1.

The following investigations are still open and reports therein have been made as noted:

Investigation on the Commission's motion in the matter of minimum transportation charges upon articles that are too long or too bulky to be loaded through the side doors of closed cars. Report is found in 33 I. C. C., at page 378.

Investigation instituted by the Commission concerning allowances to short lines of railroads serving iron and steel industries. Reports appear in 29 I. C. C., at page 212, 32 I. C. C., at page 129, and 34 I. C. C., at page 596.

The following investigations are still open, but no reports have been made thereon during the period covered by this report:

Investigation on order of the Commission with respect to the issuance, form, and substance of receipts and freight bills. Report as noted in the last annual report.

Investigation responsive to joint resolution of Congress of March 7, 1906, amended March 21, 1906, directing the Commission to investigate as to ownership by carriers of coal or oil properties and as to transportation by common carriers of coal or oil owned directly or indirectly by them. Reports as noted in the last annual report.

Investigation instituted by the Commission into the issuance and use of passes and franks and as to free passenger service. Reports as noted in the last annual report.

Investigation by the Commission of alleged unreasonable rates and practices in connection with the transportation of live stock, packing-house products, and fresh meats in the southwest. Reports as noted in the last annual report.

Investigation concerning rules and regulations governing the transportation of inflammable and other dangerous articles. Regulations prescribed as noted in the last annual report.

The following investigations are pending and as to some of them the work is near completion:

Investigation responsive to Senate resolution of May 16, 1914, requesting certain information as to common control or ownership between rail carriers and water carriers.

Investigation on motion of the Commission concerning the revenues of rail carriers in official classification territory. Reports appear in 31 I. C. C., at page 351, and in 32 I. C. C., at page 325.

Investigation by the Commission concerning the character of the service, physical condition of equipment and property, financial history, and transactions and practices of the Pere Marquette Railroad

Company. By subsequent order like inquiry as to the Cincinnati, Hamilton & Dayton Railway Company was ordered in the same investigation.

Investigation initiated by the Commission concerning allowances by the Chesapeake & Ohio and Virginian railway companies to the Glen Jean & Eastern and the White Oak railways.

Investigation on the Commission's own motion respecting the handling, icing, etc., of private cars by common carriers and the allowances made to owners of such cars.

Investigation on motion of the Commission concerning the transportation of cement, iron ore, iron and steel and their products in official classification territory.

Investigation ordered by the Commission concerning rates, rules, regulations, and practices governing contracts for private telegraph and telephone wires.

Investigation instituted by the Commission concerning the reasonableness of rates on coal from producing fields in Wyoming and Montana to points in South Dakota.

Investigation ordered by the Commission concerning the kind of equipment used in transportation of passengers and property by railroads in Porto Rico, the safety appliances installed thereon, and what further appliances may or should be required.

Investigation on motion of the Commission concerning the rates on iron ore from Lake Erie ports to points in Ohio, West Virginia, and Pennsylvania.

Investigation initiated by the Commission concerning the reasonableness of rates on bituminous coal from points in Virginia, West Virginia, Kentucky, and Tennessee to points in Virginia, North Carolina, South Carolina, Georgia, and Florida.

Investigation ordered by the Commission concerning the practices of common carriers in leasing their facilities and other properties to shippers.

Investigation ordered by the Commission concerning rates, practices, and regulations governing transportation of import traffic as compared with those governing domestic traffic.

Investigation instituted by the Commission concerning the rules, regulations, and practices of carriers in establishing embargoes.

Investigation initiated by the Commission concerning the rules, regulations, and practices with respect to the issuance, transfer, and surrender of bills of lading. Preliminary report appears in 29 I. C. C., at page 417.

The following investigations have been instituted since November 1, 1914:

Inquiry on motion of the Commission into the ownership and operation of the steamships Great Northern and Northern Pacific.

Investigation ordered by the Commission concerning the rates, divisions, and practices governing transportation of railway fuel coal and other coal originating on the lines of the Carolina, Clinchfield & Ohio Railway. Report appears in 36 I. C. C., at page 1.

Investigation ordered by the Commission as to the reasonableness of charges upon cars transported as freight on their own wheels, either loaded or empty.

Investigation initiated by the Commission concerning the rates, practices, rules, regulations, and classification of lumber and products of lumber.

Investigation ordered by the Commission concerning the reasonableness of rates on cement between points in western trunk line territory and adjacent territory.

THE FOURTH SECTION.

The fourth section of the act, as amended June 18, 1910, makes it unlawful for a common carrier to charge any greater compensation in the aggregate for the transportation of passengers or of like kind of property for a shorter than for a longer distance over the same line or route in the same direction, the shorter being included within the longer distance, or to charge any greater compensation as a through route than the aggregate of the intermediate rates subject to the provisions of the act, except as authorized by this Commission upon application, but provides that no rates or charges lawfully existing at the time of the passage of the amendment shall be required to be changed by reason of the provisions of the amended section where application shall have been filed before the Commission in accordance with the provisions of that section, until a determination of such application by the Commission.

As shown in the annual report for 1912, 5,030 applications, in some cases embracing multitudinous rate situations under a single application, for authority to continue existing deviations from the general requirements of the fourth section were filed in accordance with this provision. In addition to these, special applications numbering 5,331 have since been filed requesting authority to make changes in rates to meet changed commercial and transportation conditions, practically all of which have been passed upon by special orders. Many of those orders granting relief are temporary in character and automatically expire when the Commission acts upon the original applications protecting the rates to which the changes are related.

During the period November 1, 1914, to October 31, 1915, inclusive, the number of these special applications received was 673, a decrease of 277 as compared with the preceding year. During the same period 822 fourth section orders were entered, 260 of which

were permanent in character and 562 for temporary relief. Of the 822 orders, 230 were entered in response to applications included among the original 5,030 for authority to continue rates existing at the time of the passage of the amended fourth section, while 592 were entered in response to the special applications which have been filed since the receipt of the original 5,030 applications. Forty-one applications were withdrawn after correspondence with carriers. This is a decrease of 261 applications as compared with the number disposed of during the preceding year.

The action taken upon applications of transcontinental carriers for authority to continue lower rates to Pacific coast terminals than to intermediate points has been referred to in previous reports. Probably the most important cases disposed of during the past year have been those in respect to these rates.

For the purpose of disposing of these applications the United States was divided into five zones, as described in the report of last year. From points in zone No. 1 carriers were denied permission to continue higher rates to intermediate points than to Pacific coast terminals. From points in zones 2, 3, and 4 they were authorized to charge rates to intermediate points that exceeded the rates to Pacific coast terminals by not more than 7, 15, and 25 per cent, respectively. As stated in the report for 1914, tariffs were filed covering the majority of the rates to the Pacific coast terminals revised in accordance with the terms of this order. As to the rates on certain commodities, however, the transcontinental carriers applied for additional relief from the fourth section. These commodities, embracing approximately 110 items and for convenience designated schedule C, were alleged to be moving in large volume by water to Pacific coast ports at rates materially lower than those maintained by the all-rail lines, and the carriers asked that they be allowed a further hearing to introduce evidence in support of their petition for additional relief. While this hearing was held prior to the last annual report, and is referred to therein, the case was not submitted until subsequently and is dealt with in *Commodity Rates to Pacific Coast Terminals*, 32 I. C. C., 611.

Of the commodities shown in schedule C, 961,768 tons moved to the Pacific coast during the calendar year 1913 from transcontinental territories A and B, corresponding to zone No. 4. Of this amount 539,409 tons, or 56 per cent, moved by rail, and 422,359 tons, or approximately 44 per cent, moved by water at rates considerably lower than those charged by the rail lines. The 961,768 tons of schedule C commodities moving from territory along or contiguous to the Atlantic seaboard constitutes a large per cent of the business to the Pacific coast.

Since the opening of the Panama Canal the water carriers have materially reduced their rates, shortened the time of transportation,

increased the frequency of sailings, added to their tonnage capacity, and largely added to the tonnage secured of this coast-to-coast freight. It was shown that there are in the service between the Atlantic and Pacific coasts 49 ships, with a capacity of over 380,000 tons.

The total tonnage moving by water from the Atlantic to the Pacific coast and to the Hawaiian Islands for the year 1911 was 397,974 tons; for 1912, 451,582 tons; for 1913, 434,115 tons; while for the month of September, the first full month after the opening of the Panama Canal, the tonnage from the Atlantic to the Pacific coast ports of the United States was 77,915 tons, or more than twice as much as the average monthly tonnage for the preceding year. The tonnage handled by the water lines was not confined to traffic originating along the Atlantic coast but included a great deal originating in the interior. Thirty-two cars of cast-iron pipe moved from Birmingham, Ala., by rail to New Orleans and thence by water to the Pacific coast. Paper bags and catsup moved from Sandy Hill and Rochester, N. Y., via New York and ocean to the Pacific coast. One hundred and forty cars of structural steel moved from various points in Pennsylvania via Atlantic coast ports and water lines; 1,200 tons of steel rails from Lorain, Ohio, and 10,000 to 15,000 tons of wrought-iron pipe from Youngstown, Ohio, were included in the traffic obtained by the water lines from inland points.

It was evident that the degree of competition between the rail carriers and water carriers for traffic between the Atlantic and Pacific coasts had been largely increased by the new conditions created by the opening of the Panama Canal, and that it was necessary for the rail lines to make material reductions in their rates if they were to expect to obtain any considerable percentage of this coast to coast traffic.

The reductions made by the rail carriers were not confined, however, to the rates from points on the Atlantic seaboard, but were extended to Pittsburgh, Chicago, and Missouri River territory, first, because these territories are intermediate, and, second, because traffic would not move therefrom to the Pacific coast except on rates approximately equal to the rates from the Atlantic seaboard.

Because of the increased competition created by the opening of the Panama Canal, the original order was modified and additional relief granted in respect to the rates on commodities in schedule C, as follows:

From zone No. 1 carriers were granted authority to charge lower rates to Pacific coast terminals than to intermediate points on articles on which the rates to the coast were less than 75 cents per 100 pounds in carloads, on condition that the rates to intermediate points should not exceed 75 cents per 100 pounds. In the case of

less-than-carload shipments they were authorized to charge lower rates from zone 1 to Pacific coast terminals than to intermediate points on articles listed as first or second class in western classification upon which the rates to the terminals were less than $1.72 per 100 pounds, and on articles listed as third and fourth class on which the rates to the terminals were less than $1.25 per 100 pounds. From zones 2, 3, and 4, from which carriers were permitted in the original order to maintain rates to intermediate points 7, 15, and 25 per cent, respectively, higher than rates to Pacific coast terminals, they were granted authority to charge lower rates to Pacific coast terminals than to intermediate points, on condition that the rates per 100 pounds to the intermediate points should not exceed the rates from the Missouri River to the same destinations by more than 15, 25, and 35 cents from those zones, respectively, on carload traffic, and 25, 40, and 55 cents on traffic in less than carloads.

The reduced rates on the commodities included in schedule C authorized by the modified fourth section orders have been established by the transcontinental lines, but this apparently has not enabled these carriers to meet to their satisfaction the situation created by the increased movement by water. A second application has been filed for a further modification of the order originally entered in the matter of transcontinental rates.

In the annual report for 1914 reference was made to the disposition of portions of a large number of applications of southern carriers in *Fourth Section Violations in the Southeast*, 30 I. C. C., 153; 32 I. C. C., 61. This dealt with many but not all routes and rates in the territory lying south of the Ohio and east of the Mississippi rivers. The orders entered in these cases granted certain relief, and denied authority to the direct routes to continue lower rates from Cincinnati, Ohio, and Louisville, Ky., to Atlanta, Ga., Birmingham, Ala., Cordele, Ga., Athens, Ga., Jackson, Miss., and Meridian, Miss., than to intermediate points. They also denied authority to continue lower rates via direct lines from New Orleans to the above mentioned points than to intermediate stations.

The adjustment of rates dealt with in the report was of itself a work of magnitude. However, owing to the necessity of preserving the relation between points of origin and destinations not specifically considered in the report the carriers found it necessary to make a more comprehensive adjustment than was required by said orders. This involved a revision of rates from practically all the territory and via all routes east of the Mississippi River to points in southeastern territory. This work has made it impossible to complete and file the corrected tariffs within the time first prescribed by the Commission. It has therefore become necessary to further extend the effective dates of the orders to January 1, 1916.

The orders entered during the past year in response to other applications for authority to continue deviations from the fourth section have cleared up many situations in other sections of the country, including many on the Pacific coast and in Intermountain territory.

Considerable testimony has been taken respecting the applications of numerous carriers operating both north and south of the Ohio River in the territory lying between St. Louis, Mo., and East St. Louis, Ill., on the one hand, and Ohio River crossings on the other, and between the various Ohio River crossings themselves. These hearings involved both the class and commodity rates via a great many different routes and a vast number of fourth section deviations. The matters are now under consideration, and appropriate orders will be entered thereon.

Hearings and investigations have also been had respecting applications of the carriers covering the following rate situations, and these are now before us for determination:

Class and commodity rates from Cincinnati and Louisville to Alexandria, Va., which are lower than rates applicable on like traffic to intermediate points;

Rates on bituminous coal from mines in Illinois, Kentucky, Tennessee, and Alabama to points in Mississippi Valley territory that are lower than rates concurrently in effect to intermediate points;

Through rates from Buffalo-Pittsburgh and central freight association territories to points south of the Ohio and east of the Mississippi rivers that exceed the aggregates of the intermediate rates;

Through rates to points in Louisiana and Texas that exceed the aggregates of the intermediate rates.

RATE SCHEDULES.

During the 12 months ended October 31, 1915, 149,449 tariff publications containing changes in rates, fares, classifications, or charges were filed with the Commission. This is an increase of 418 over the previous period of 11 months covered by the last report. It will be interesting to observe the decrease in the number of tariff publications filed since the Commission perfected its regulations governing the construction and filing of tariffs in 1908:

Schedules filed.

12 months ended—	Number filed.	Less than in 1908.	12 months ended—	Number filed.	Less than in 1908.
Nov. 30, 1908	228,403		Nov. 30, 1912	108,766	119,637
Nov. 30, 1909	184,303	44,100	Nov. 30, 1913	141,257	87,146
Nov. 30, 1910	154,588	73,815	Oct. 31, 1914[1]	149,031	62,257
Nov. 30, 1911	121,829	106,574	Oct. 31, 1915	149,449	78,954

[1] 11 months.

Complaints having been received of failure to post tariffs at stations at which freight and passengers are received for transportation, and it appearing that no uniform or adequate plan had been adopted and followed by the carriers under which the date upon which a tariff publication was received at a station at which it was required to be posted could be known, an order was issued which provided that every carrier subject to the act shall require its agent or other representative at every station, warehouse, or office at which tariffs are required to be posted, upon receipt of a tariff or supplement to a tariff for filing and posting at that station, to immediately write or stamp upon the title page thereof the date upon which it was received by such agent or other representative, and to keep and preserve a separate record, by I. C. C. numbers and supplement numbers, of the receipt of each tariff or supplement to a tariff, showing the date received and the date posted at that station. This order was made effective from and after July 15, 1915, and it is believed that its enforcement will largely eliminate the cause of complaint and insure the proper posting of tariff publications.

The rate work of the division of tariffs continues to increase and grow in importance, notwithstanding the fact that, due to the Commission's regulations for the construction and filing of tariffs, the tariff publications filed are, on the whole, far more understandable than heretofore. This increase is largely accounted for by the fact that during the last two years a great many changes in rates and fares have been made.

Attention is again called to the fact that there has been no change in the situation stated in the twenty-fifth annual report as to the application of section 6 of the act and of the Elkins act, to telephone, telegraph, and cable companies.

CLASSIFICATION OF FREIGHT.

Substantial changes in the manner of holding and conducting meetings of the territorial classification committees were outlined in the last annual report. These changes have been given a fair trial, and the results have been quite satisfactory.

The western classification committee as now constituted has been in continuous session for 21 months, a sufficient length of time to demonstrate the practicability of placing the matter of freight classification in the hands of a limited committee whose duties are entirely confined to classification and whose members represent no particular line or lines and are not interested in soliciting traffic. During the past year the committee has effected arrangements with various western state railroad commissions to accept and adopt the western classification for state traffic, effective upon the same date that it is

applicable upon interstate traffic, thus keeping intrastate and interstate shippers on a parity. Further negotiations are in progress, and, with the exception of four states, the western classification is applicable intrastate in western classification territory.

On October 16, 1914, a check of the western classification showed that 50.3 per cent of the items represented recommendations from the committee on uniform classification, while 49.7 per cent did not. On October 13, 1915, 66.2 per cent of the items represented the uniform committee's recommendations, while 33.8 per cent did not. Of the recommendations that have been submitted to the territorial committees by the committee on uniform classification the western classification committee has adopted 85.3 per cent. During the period from July 1, 1914, to and including June 1, 1915, the western classification committee held 296 public hearings for the consideration of subjects that had been docketed by shippers and carriers, the latter involving principally uniform recommendations. Many of these hearings were attended by the Commission's classification representative.

The official classification committee is to be reorganized along the lines upon which the western classification committee is organized. As at present constituted it consists of a subcommittee of 15 members, who meet quarterly and whose recommendations are submitted to the individual lines for approval. A permanent committee is to be appointed to remain in constant session, but, unlike the western classification committee, its action will not be final, but will be submitted to the various lines in official classification territory for approval. The new arrangement will afford the public more frequent opportunities of being heard and will greatly expedite the disposition of classification matters arising in that territory. Of the items thus far reported by the uniform classification committee the official classification lines have accepted 85.83 per cent. It is estimated that the proportion of items in the current official classification which represent uniform classification committee's recommendations is above 70 per cent. Last year the proportion was 60 per cent. The percentage of matter in the official classification that is considered as reflecting uniform recommendations is affected to a marked degree by the fact that many provisions for specific mixed carload ratings have not been adopted on account of a general provision in the official classification for carload mixtures.

The southern classification committee holds fewer meetings than either of the other committees. On October 18, 1915, the southern classification contained 3,392 less-than-carload ratings, 2,577 carload ratings, and 3,505 any-quantity ratings. Sixty-six per cent of the matter appearing in this classification represents recommendations of the committee on uniform classification. Last year the proportion

was 65 per cent. The southern classification committee has adopted 84.9 per cent of the recommendations made by the uniform classification committee. The proportion of the southern classification that represents the uniform classification committee's recommendations is affected by the fact that in many instances the uniform classification committee has recommended descriptions for carload shipments which are rated any quantity in the southern classification and to which the southern classification committee has declined to assign carload ratings.

A committee of the carriers has been working constantly for several years in an effort to bring about uniformity in rules and regulations governing the classification of freight, uniform descriptions of the several thousand articles subject to class rates, uniform packing or container requirements, and uniform minimum carload weights. Slow, though steady, progress is being made in regard to these features. Apparently uniformity respecting classification ratings, involving as it does changes in ratings and rates upon practically all articles moving under class rates, must come slowly and gradually and after uniformity has been attained with regard to rules, descriptions, packing requirements, and minimum carload weights.

Owing to the different methods of numbering and printing items in the various classifications, it is impossible to arrive at an absolutely correct check and one that will represent in each case precisely the same situation, but the figures given below are believed to show as accurately as can be done the status of uniformity as of October 20, 1915:

	Total items in classification.	Uniform classification committee has passed—		Uniform classification committee has written but not yet passed.	Uniform classification committee has not written.
		Number.	Per cent.	Per cent.	Per cent.
Official classification	5,765	4,582	80.00	5.00	15.00
Southern classification	4,780	4,181	87.50	3.50	9.00
Western classification	6,917	5,291	76.50	5.00	18.00

Of the items written but not yet passed, the more important are packing house products; grain and grain products; vehicles, other than self propelled, in part; vehicle parts, in part; baskets; power transmission machinery; and building sheet-metal work. Of the items not written the more important are furniture, in part; glass; cooperage; conveying and mining machinery; and vehicles, self propelled.

In several cases recently before the Commission on informal complaint the evidence presented showed a pronounced lack of uniformity in different sections of the country in the relation of rates on wood articles and lumber products to the rates on lumber. In order to bring the entire situation before it the Commission on its own motion instituted an investigation into the rates, practices, rules, regulations, and classifications governing the transportation of lumber and lumber products from and to all points in the United States, with special reference to the relationship in rates on different kinds of lumber and lumber products. The investigation is now in progress.

The Commission has previously suggested that it be given authority to require uniformity in classification matters, which authority could be exercised in such way as to hasten the adoption of uniformity in those features as to which uniformity is desirable and practicable, and at the same time in such way as would do no harm to any interests.

EXPRESS COMPANIES.

In the twenty-eighth annual report of the Commission it was stated that the classification, rules, regulations, and class rates that had been prescribed for the express companies became effective February 1, 1914, and that proposed commodity tariffs were before the Commission.

After one year's experience under the new rates the four principal express companies, doing approximately 95 per cent of the express business, filed a petition for a modification of the order, readjusting the basis of the class rates on packages weighing less than 100 pounds, which, if granted, they estimated would increase their gross revenues 3.86 per cent. They frankly acknowledged the benefits resulting to themselves and to the public from the regulations, practices, and method of stating rates prescribed by the Commission, but stated that their revenues were not sufficient to enable them to continue their present standard of service, which could not be impaired without serious injury to the shipping public. At the rehearing it was shown that notwithstanding the volume of traffic had increased under the Commission's rates, and the introduction of economies had substantially reduced the operating expenses, and that there had been further saving by revision of the basis of payments to railroads, the express companies collectively were confronted with a deficit. The number of shipments handled increased approximately 2¼ million, but the gross transportation revenues were $13,680,810 less than for the corresponding period under the old rates. Upon the rehearing it was found that the modification sought would not result in unreasonable rates, and accordingly the order was modified and the new rates became effective September 1, 1915.

During the year the express companies have partially constructed their commodity tariffs on a block system. This method of stating rates is simple, and the application of the tariff is extended to all express offices in the territory of production, whereas the old method named rates only from a limited number of points of production. While, as applied to certain territory, the tariffs proposed were favorable to the public both as to form and rates, it developed that a uniform basis throughout the entire country would in some sections cause substantial increases in rates in some instances, and very material reductions in the carriers' revenue in other instances. For this reason universal adoption of the block system has not as yet been required as applied to all commodity tariffs. The details are being worked out for a block tariff calculated to remove discriminations and at the same time approximate existing rates.

As stated in the last annual report, the errors of express employees which formerly resulted in frequently collecting charges from both consignor and consignee are effectively guarded against, and the improvement respecting the adjustment of loss and damage claims appears to have progressed.

DIVISION OF INQUIRY.

The division of inquiry has to do with seeming violations of the act to regulate commerce, and of the Elkins act, which come to the attention of the Commission. Perhaps 90 per cent of the matters so investigated and considered are disposed of without resort to the courts, and in great part through correspondence or conference with the carriers or shippers involved. A staff of special agents is employed almost continuously in field work. A staff of attorneys analyzes the evidence gathered, participates in the correspondence and conferences, and, in instances where prosecution is recommended by the Commission, prepares cases for presentation to grand juries and assists United States attorneys in such presentation and in the subsequent proceedings in the courts.

The summary which follows is confined to the cases in which indictments were returned:

Between November 1, 1914, and October 31, 1915, 72 indictments have been returned for violations of the act to regulate commerce and the acts amendatory thereof. The number of defendants, however, is much greater than the number of indictments would indicate, because many of the indictments were against two or more defendants jointly. Twenty-two indictments were against carriers or carriers' agents, and 50 indictments were against passengers, shippers, or interested parties other than carriers.

During the year 48 cases were concluded. In 31 cases pleas of guilty or *nolo contendere* were entered; in 7 cases verdicts of guilty were rendered; in 2 cases verdicts of not guilty were rendered. Eight indictments were dismissed upon motion of the Government. In nearly every instance dismissal was caused by the fact that alternative indictments had been returned for the same offense.

The prosecutions begun and concluded during the year were distributed over the following states: California, Florida, Idaho, Illinois, Indiana, Kentucky, Louisiana, Minnesota, Michigan, Missouri, Mississippi, Maine, New Jersey, New York, Nevada, Ohio, Pennsylvania, Tennessee, Texas, Wisconsin, and Washington.

SIGNIFICANT COURT DECISIONS.

Among cases which resulted in significant court decisions announced during the past year are the following:

Vandalia Railroad Company v. *U. S.* United States Circuit Court of Appeals for the Seventh Circuit, not yet reported. The circuit court affirmed the judgment of the district court imposing a fine of $2,000 against the Vandalia Railroad Company for granting concessions, and the Supreme Court on October 25 denied a petition for a writ of certiorari to review the judgment. The Vandalia Railroad Company, through the medium of a subsidiary corporation, borrowed $260,000 at 4 per cent interest and loaned this amount to the Lumaghi Coal Company at 2 per cent interest in order to induce the Lumaghi Coal Company to route all of its shipments over the Vandalia Railroad. The difference between the interest paid by the railroad company and the interest received by it from the shipper on this loan was charged in the indictment as a concession. The defense urged that this could not amount to a concession, since it did not come out of the freight rates applicable on any particular shipment, and since it was not shown to have resulted in a discrimination against any other shipper. The decision is of much significance because it definitely holds that payments made to influence the routing of traffic are concessions or rebates in violation of the Elkins act although they do not come directly out of the freight rates. This precedent gives assurance that carriers can not escape the consequences of violating the Elkins act merely by adopting indirect and ingenious devices.

United States v. *The Central Railroad Company of New Jersey.* United States District Court, District of New Jersey. The Central Railroad Company of New Jersey was convicted of granting concessions to the Lehigh Coal & Navigation Company in violation of the Elkins act and was fined $200,000. The evidence showed that since 1887 the railroad had been paying allowances to the navigation company, nominally for use of a railroad which it leased but for

which defendant, during recent years, has paid a fixed sum of $2,043,000 as annual rental. The agreement between the parties in addition to providing for the lease of the Lehigh & Susquehanna Railroad to the Central Railroad of New Jersey at a stated rental, included covenants requiring the routing of traffic over the defendant lines, and providing in turn that defendant would pay an allowance on all shipments to the navigation company. In 1906 when the Hepburn act was passed the carrier put a note in its tariffs stating that these allowances would be paid out of the published rates, but failing to indicate the amount of such allowances. The judge, in effect, charged the jury that the note did not amount to publication of the allowance and that no payments of any kind, not even allowances under section 15 of the act, could lawfully be made out of the published rates, unless such allowances are specifically published in dollars and cents. This ruling is now under review by the circuit court for the third circuit. The Lehigh Coal & Navigation Company has also been indicted in 30 counts for accepting concessions which the railroad was convicted of granting. This indictment was founded upon 30 carload shipments, including the 25 shipments on which the Central Railroad Company of New Jersey was fined $200,000. It is worthy of note that the concessions enjoyed by the navigation company have amounted to about $500,000 a year in recent years and that these concessions have been made from 1887 until a few months ago.

United States v. *Lehigh Valley Railroad, 222 Fed., 685.* This case arose out of the practice on the part of the Lehigh Valley Railroad of paying to Sheldon & Company, which is a forwarder of freight, a commission on all traffic which it routed over the line of the defendant carrier. The practice had previously been the subject of an indictment in *United States v. Sheldon & Co.*, in which case the court directed a verdict of acquittal. The Government thereupon brought a bill in equity to enjoin the railroad from violating the Elkins act in this manner. The court held that the payment of either a commission or a definite salary by a railroad to a forwarding company to influence the routing of traffic controlled by that company was, in legal effect, a rebate or concession paid to a shipper in violation of the Elkins act. A decree was accordingly issued forbidding the railroad to pay any consideration, either in the form of commissions, salary, or otherwise, to Sheldon & Company for that corporation's activities in securing freight for the Lehigh Valley Railroad.

Erie Railroad Company v. *United States, 222 Fed., 444.* In this case the word "knowingly," as used in the Elkins act, was construed. Import rates, which were lower than domestic rates between the same points, were applicable only on shipments received "at ship's side or dock of steamer upon which imported, or from customs bonded ware-

house or appraiser's stores." A shipment that was not received by the defendant at any of these places was accorded the import rate. The Government proved that the shipment was not at any of the specified places when received, but that it had been transferred from the dock of steamer where landed to a free warehouse on another dock. The Government did not prove that defendant knew of this transfer, but introduced evidence tending to show that certain agents of the defendant had ample opportunity to learn whether the conditions warranting the application of the import rate existed, and in view of the rule governing the application of the rate it was argued that under the circumstances if defendant's agents remained ignorant of these facts it was through willfulness rather than negligence. The judge charged the jury that they might find the defendant guilty of "knowingly" granting an unlawful concession, though neither the defendant nor its agents had actual knowledge of the facts which made the import rate inapplicable, if they willfully remained in ignorance of such facts, but not if they were merely negligent in not ascertaining the facts. The jury returned a verdict of guilty. Subsequently the court granted a motion for a new trial on the ground that the evidence of willful ignorance was not sufficient to warrant the verdict, and the case will go to trial again at an early date. Regardless of the ultimate outcome of this particular case, the construction placed upon the word "knowingly" in the opinion is deemed of importance. It recognizes that the Elkins act imposes upon carriers an affirmative duty of informing themselves as to the facts necessary to determine which of two or more rates applying between the same points is the one lawfully applicable on a particular shipment.

Louisville & Nashville Railroad Company v. *United States, 230 U. S. 318.* In this case the court construed that provision of section 20 giving the Commission the right of access to all "accounts, records, and memoranda" kept by carriers subject to the act. The Louisville & Nashville Railroad Company refused to permit examiners of the Commission to consult correspondence in its files which was believed to contain evidence tending to show whether or not the carrier had violated certain provisions of the act to regulate commerce, on the ground that correspondence was not comprehended within the "accounts, records, and memoranda" to which the Commission was accorded the right of access. The Supreme Court decided that the phrase "accounts, records, and memoranda" did not include correspondence, and that therefore the Commission could not, as a right, demand access to such papers. Since that decision, while many carriers have freely proffered their correspondence, as well as their other papers, for examination by the Commission's representatives, in several cases the Commission's investigations of seeming violations of law have been hampered by the lack of power

to consult the carriers' correspondence files where the most definite evidence of criminal intent is commonly to be found. The result is that the Commission's ability to enforce the criminal provisions of the act has been much impaired.

CONCESSIONS AND DISCRIMINATIONS.

SPECIAL PASSENGER SERVICES GRANTED TO LARGE SHIPPERS.

An insidious form of discrimination consists in granting to individuals favors or special services in connection with passenger transportation. When the recipients of such discrimination happen to be shippers or identified with large shipping corporations the presumption arises that such discrimination is willful and is intended to influence the routing of freight.

Indictments were returned in instances of this kind against the Erie Railroad Company and the Delaware & Hudson Company jointly, against the Chicago & Alton Railroad Company, and against the Missouri, Kansas & Texas Railway Company. The indictment against the Erie Railroad Company and the Delaware & Hudson Company jointly charges that these carriers accorded an official of a large shipping corporation exclusive use of a private car from Akron, Ohio, to Beverly, Mass., on the payment of 8 full fares over that part of the route made up of the Erie Railroad and the Delaware & Hudson Company, whereas the published tariffs provided that the exclusive use of a private car might be granted only when 25 full fares were paid.

The indictment against the Chicago & Alton charges that this carrier furnished a private car to an officer of another large shipping corporation with the understanding that a party of 8 persons, upon payment of 8 full fares, should have the exclusive use of a car, while the tariff provided that the exclusive use of a car might be enjoyed upon the payment of 18 full fares.

An investigation in Texas disclosed that it was a common practice for railroads which controlled subsidiary companies to select large shippers as directors for such subsidiary companies solely with a view to influencing the routing of their traffic. Each year it appears to be the practice of several of the carriers in this territory to ascertain which of the larger shippers in the southwest are not routing their traffic via their respective lines. Then, for the purpose of securing this traffic, the device is resorted to of electing such shippers as dummy directors of subsidiary companies in order that free passes, good within the state of Texas, may be issued to them with a color of legality. The investigation disclosed that this practice is simply a device by which concessions from the published freight rates are indirectly granted. Such a practice, of course, involves both the

carrier and shipper in violations of the Elkins act. The practice is recognized by the carriers themselves to be unjustifiable and burdensome, but it has grown up and continued as a result of competitive conditions. The Missouri, Kansas & Texas Railway Company and the Missouri, Kansas & Texas Railway of Texas were recently indicted for granting a free pass for use within the state of Texas to George A. Stowers, president of the Stowers Furniture Company, who had previously been made a director of one of the subsidiary lines of this system in order that the pass might be issued to him with the understanding that the business of the Stowers Furniture Company, of Houston, would be routed over the Missouri, Kansas & Texas system lines. The Missouri, Kansas & Texas and the Missouri, Kansas & Texas of Texas pleaded guilty and a fine was imposed.

CONCESSIONS RESULTING FROM ALLIANCES BETWEEN CARRIERS AND LARGE SHIPPERS.

Several instances have come to the Commission's attention where large shippers were affiliated with carriers and, because of this relationship, were enabled to secure advantages over other shippers which were not disclosed in published tariffs. Among such instances are those upon which indictments against the Connor Lumber & Land Company and against the Sierra Railway Company were based, as well as those growing out of the preference accorded to the Philadelphia & Reading Coal & Iron Company by the Philadelphia & Reading Railway Company, and to the Delaware, Lackawanna & Western Coal Company by the Delaware, Lackawanna & Western Railroad Company, referred to hereinafter.

In the Connor Lumber & Land Company indictment it appeared that the same interests which own that company also own the Laona & Northern Railway Company, a lumber road running from the lumber company's mills at Laona, Wis., to a connection with the Soo Line. A false billing indictment was returned against the lumber company alleging that it shipped cedar posts and maple flooring, which took a rate of 10 cents, described as "soft lumber," to which a rate of 8 cents was applicable. It appeared that the Laona & Northern Railway and the lumber company used the same office and had common employees. For this reason an indictment for granting concessions was returned against the railway company, charging that the false billing of the lumber company was known to the agents of the Laona & Northern Railway Company, which was the initial carrier. The lumber company was also indicted for receiving concessions under the Elkins act. An early trial of these indictments is expected.

The Sierra Railway operates from Sierra, Cal., to Oakdale, Cal. Our investigation showed that the same stockholders controlled this railway and the Standard Lumber Company. It was found that

many interstate shipments were consigned to the lumber company over the Sierra Railway, billed collect; that the Sierra Railway paid the freight charges on these shipments to its connecting lines and extended very long periods of credit to the lumber company for these charges. This practice of the railway in extending credit to an affiliated shipper was charged as an unlawful concession in a one-count indictment. The Sierra Railway entered a plea of guilty and a fine of $2,500 was imposed.

Certain other instances in which a shipping corporation and the initial carrier are controlled by a common interest which is thus enabled to exact excessive divisions or advantages in per diem or demurrage charges, or to secretly secure other advantages from the connecting carriers, have been the subject of investigation during the year and are now under review.

LEASES OF CARRIERS' PROPERTY TO SHIPPERS AT LESS THAN FAIR RENTAL.

The fact that violations of the Elkins act may result from leases made by a carrier to a shipper at less than a fair rental, as announced in the *Union Stock Yards case*, 226 U. S., 286, and the *Hirsch case*, 204 Fed., 849, has been noted in a previous report. A tendency of carriers to revise all of their leases to avoid granting concessions to shippers in this indirect way has been observed. Nevertheless, investigations in widely scattered sections of the country have disclosed numerous instances where carriers have permitted leases to continue which, in the light of the above decisions by the courts, are clearly unlawful. Certain of these cases have been recommended for prosecution, and others are under review. The trial of the Western Pacific Railway Company, which is charged with assuming part of the rental which a large shipper was under contract to pay to a third party, in order to influence the routing of this shipper's traffic, will be had at an early date.

CONCESSIONS OBTAINED THROUGH THE DEVICE OF FALSE BILLING.

The trial of Roy Campbell, who was indicted in Texas for obtaining concessions by the device of underbilling shipments of produce from Texas to interstate points, was held in June. The device charged consisted in showing estimated weights on shipments of produce which Mr. Campbell made on his own account and also on account of the Southern Texas Truck Growers' Association, of which he was manager. The evidence indicated that before the freight charges, which were ultimately paid by Mr. Campbell, were collected he had exact information that the actual weight was greater than the estimated weight which he had represented to the carrier. The evidence also indicated that the Missouri, Kansas & Texas Railway Company, which was the originating carrier, had knowledge of these

practices. On these facts Roy Campbell was indicted in 10 counts, the Southern Texas Truck Growers' Association and Roy Campbell were jointly indicted in 30 counts, and, more recently, the Missouri, Kansas & Texas Railway Company was indicted in 7 counts for failure to observe its published rates. The indictment of 10 counts against Roy Campbell went to trial. After a trial lasting for a week the case was left to a jury, which deliberated for 24 hours and then returned a verdict of not guilty. Since that verdict was returned, the carrier has pleaded guilty to the indictment against it and a fine of $4,000 was imposed. The indictment of 30 counts against Roy Campbell and the Southern Texas Truck Growers' Association is still pending.

FAILURE OF CARRIERS TO OBSERVE STRICTLY THEIR PUBLISHED TARIFFS.

Several prosecutions have arisen as a result of the failure of carriers to observe strictly their tariffs. The word "strictly" was not read into the statute by construction, but was expressly placed there by Congress to prevent discrimination. That Congress intended to require, by the employment of this word, inflexible adherence to the terms of tariffs is made clear by numerous decided cases.

The Michigan Central Railroad Company was indicted for failing strictly to observe the plain requirements of the demurrage tariffs applicable at Detroit. The carrier first demurred to the indictment, but without success. It then went to trial, and after all of the facts were laid before the jury a verdict of guilty was returned and a fine of $24,000 was imposed.

Two prosecutions against the Louisville & Nashville Railroad were based upon the failure of that carrier strictly to observe its tariffs. In one instance the carrier applied a domestic rate instead of an import rate; in the other instance it applied a state rate instead of an interstate rate applicable between the same points. The carrier pleaded guilty to these indictments and fines were imposed.

The Delaware, Lackawanna & Western Railroad was indicted for failure to collect demurrage from the Delaware, Lackawanna & Western Coal Company on coal held in barges operated by the railroad in New York Harbor in accordance with its published demurrage tariffs. This case is still pending.

The Philadelphia & Reading Railway has been indicted for failure to collect demurrage upon a large amount of coal shipped over its line to Port Richmond. The carrier has a demurrage tariff providing that demurrage shall accrue for the detention of cars shipped to this point. The practice has been, however, to hold cars destined to Port Richmond at Woodlane Yard, a point about 8 miles from Port Richmond, awaiting orders from the consignee. No demurrage has been charged on such detention, although notices of arrival are sent

to the consignee from Port Richmond and the cars are at the consignee's disposal as soon as they reach Woodlane Yard. Two indictments of 51 counts each were returned against the carrier on the theory that the above acts constituted a willful failure to observe its demurrage tariff, if that tariff was applicable at Woodlane Yard, or else a device for granting concessions, if the cars were held at Woodlane Yard to evade application of the demurrage tariff. It is of interest to note that since these indictments were returned the Supreme Court, in the *Berwind-White Coal Mining Co.* v. *Chicago & Erie Railroad Co.*, 235 U. S., 371, has declared that as a matter of law shipments detained before reaching destination may be held subject to the demurrage tariffs applicable at the point of destination.

FALSE BILLING.

False billing of shipments by shippers has continued to require much attention. A large number of prosecutions for misdescription of the contents of shipments and for understatement of the weights by shippers for the purpose of defeating the lawful rates have been instituted in widely scattered sections of the country. As to certain commodities and in certain lines of business a custom of misbilling is sometimes so general that several shippers whose reputations otherwise may be excellent have seemed to deem it proper to defeat the plain requirements of the act. For example, in the hardware business several firms in different sections of the country, in spite of a classification rule requiring that less than carload packages containing different articles should take the rate applicable to the highest rated article, have persisted in including small quantities of high-rated articles in such packages, while describing the package as containing only articles of lower rating. Some indictments based on this practice have already been returned. The law requires the most rigid observance of the published tariffs and classification not only by carriers but by shippers.

As the result of what appeared to be a common practice several indictments were returned in Mississippi against shippers of cotton. The facts charged in the indictments are as follows: Under well-established transit rules cotton having been shipped into certain so-called transit points for compression was entitled to reshipping rates lower than the local rates. By misrepresenting wagon cotton to be transit cotton the guilty shippers obtained lower rates on shipments to which the higher rates were applicable. In the majority of these cases pleas have already been entered and fines assessed.

In misbilling cases it is common for shippers to plead guilty, and thus escape with a smaller fine than would result if the case were contested. The courts, however, have recently imposed substantial fines in cases of this kind where the defendant admits his guilt. Thus

in an indictment in 20 counts brought against the Standard Brewing Company, of Scranton, Pa., for false billing on interstate carload shipments of beer, a plea of guilty was entered and the court assessed a fine of $16,000. In indictments brought against the Jefferson Wood Working Company in Kentucky for false billing upon pleas of guilty the court assessed a fine of $2,000. Again, in the indictment brought against Mark P. Miller and the corporation of which he was president for false billing the court upon pleas of guilty assessed a fine of $2,500 against Mr. Miller and $2,500 against the corporation. And on an indictment brought against the Union Brewing Company in Illinois for attempted false billing, upon a plea of guilty the court assessed a fine of $2,800. These fines make clear that shippers guilty of false billing can no longer escape the penalty by admitting their guilt.

FALSE CLAIMS.

A large number of shippers have also been prosecuted for filing with carriers false claims for loss and damage. This practice has been most prevalent in the case of shippers of perishable articles who upon suffering damage frequently file excessive claims against the responsible carrier. The indictment against Davidson Brothers Produce Company in Missouri is a case of this kind. This company pleaded guilty and paid a fine of $2,500. Another case was that against Frank Talerico in Texas, in which the court upon a plea of guilty imposed a fine of $1,000. Several prosecutions have also been instituted against shippers who represented that their property had been damaged when no damage, in fact, occurred or who filed claims based upon alleged loss when, in fact, the property had been duly received.

Still another instance is the indictment against Joseph Goldsleger for filing a false claim for the recovery of freight charges. The facts in this case are that Goldsleger contracted to purchase a cash register from the National Cash Register Company at Dayton, Ohio. The cash register was duly shipped and was received at the freight house in Scranton. Some time later Goldsleger, the consignee, removed it without the knowledge of the carrier and then stated that the same had not been received. Upon the carrier failing to locate the cash register Goldsleger filed a claim for the refund of the freight charges which amounted to $1.20. As a result of the claim the charges were returned. Some two years later, through a civil suit, the cash register was discovered in Goldsleger's constructive possession, and upon the facts being presented to the grand jury an indictment was returned. The case went to trial, and after a verdict of guilty the judge sentenced Goldsleger to pay a fine of $100 and to serve six months in the county jail.

While prosecutions arising from this practice during the past year have been against shippers only, there have been evidences that the laxness of the carriers in recognizing and paying such false claims amounts, in effect, to the granting of rebates from the lawful rates. Evidence of this kind, tending to show that carriers as well as shippers are responsible for the filing and payment of excessive damage claims, is now under review.

PARTICIPATION IN INTERSTATE TRANSPORTATION WITHOUT TARIFFS ON FILE.

The Philadelphia & Reading Railway Company operates a line of coal barges from Philadelphia to various New England points. Most of the coal carried on these barges is shipped by the Philadelphia & Reading Coal & Iron Company, with which the railroad is affiliated, but a substantial amount is also shipped in the barges by independent interests. This coal originates at mines in the interior. There are many circumstances tending to show that while the transportation from the mines to final destination in New England is interrupted at Philadelphia, yet in effect the transportation is continuous, and, there being a common control, the barge line as well as the rail carrier is subject to the requirements of section 6. The carrier, however, has taken the position that this barge line does not participate with the rail line in continuous carriage, and has therefore refused to file tariffs covering the barge-line charges. To definitely settle this jurisdictional question an indictment has been returned.

The original indictments returned against the carriers were demurred to and quashed owing to the fact that a stenographer, duly authorized by the Attorney General, was in the grand-jury room while witnesses were being examined. Later when new indictments were sought the array of the grand jury was challenged on the ground that the jury had not been properly summoned. The challenge was dismissed. After the indictments were returned the carrier filed extended pleas in abatement, which have been dismissed. It is believed that a trial will finally be had at the next term of court and the real merits of the case will be settled.

THE CLAYTON ACT.

It seems appropriate to note that the statute approved October 15, 1914, known as the Clayton act, 38 Stat. L., 730, in sections 9 and 10 contains new penal provisions affecting carriers subject to the act and their officers and agents. Section 9, which became effective on October 15, 1914, makes it an offense under federal law for any officer, director, or manager of a common carrier engaged in interstate or

foreign commerce to embezzle, steal, abstract, willfully misapply, or willfully permit to be misapplied any moneys, funds, credits, securities, property, or assets of his company, or willfully or knowingly convert the same to his own use or to the use of another. The maximum penalty provided is 10 years imprisonment. This provision of the law is referred to since it is believed that it would have been applicable to transactions disclosed in certain resent investigations by the Commission if it had been on the statute books at an earlier date. Section 10 of the Clayton act, which will become effective October 15, 1916, provides that in instances where a carrier and a corporation from which the carrier purchases supplies have officers in common, the carrier may not purchase supplies from such corporation in excess of $50,000 in any one year except under competitive bidding conducted under regulations approved by this Commission, and provides penalties for violation of the above requirements. Both of these new enactments are calculated to correct serious abuses which the criminal provisions of the commerce act and the Elkins act did not reach.

MISCELLANEOUS.

The prosecutions outlined above, resulting from the division's investigations, indicate the volume of work handled before grand juries and in the courts. However, the larger part of the field investigations made by the division did not disclose violations of law. It is proper to state that in many instances investigations of complaints made by shippers and others against carriers disclosed that the complaint was groundless and that the carrier's practice was beyond criticism. Indeed, in one or two cases it was found that the carrier was not only complying with the law but that the very efficiency of its policing arrangements was the real reason for the complaint. As to several other matters investigated, while the practice involved was found to be questionable, the subject was handled by correspondence or conference and the objectionable features thus eliminated. As the strict requirements of the law become more completely appreciated it may be anticipated that the number of cases in which questionable practices can be corrected by conference rather than prosecution will increase.

A situation that gave rise to numerous complaints, and which was adjusted informally after field investigation, involved the charges of the Erie Railroad for ferry services across the Hudson River. The complaints in this case arose from a notice of the Erie Railroad that its ferry charges were to be increased. When this came to the Commission's attention it was found that no tariffs covering the ferry services in question had been filed with the Commission. The Erie Railroad took the position that this ferry service was entirely

by water, and was therefore not subject to the act. On the other hand, it appeared that any ferry operated by a railroad was, under the provisions of section 1, to be deemed part of the railroad, and was therefore, in so far as it participated in interstate traffic, subject to the Commission's jurisdiction. An issue was thus presented as to whether in this particular case these ferries were subject to the Commission's jurisdiction. Instead of testing this question by litigation, however, the carrier consented to withdraw its proposed increase in rates and to maintain the existing rate until it had filed them, and then filed tariffs showing the proposed increase which could be suspended by the Commission and considered in a formal way. This course has been followed, hearings have been held, and the reasonableness of the proposed ferry rates will be duly determined.

The practice of carriers in having their fuel coal so billed as to effect a discrimination in their favor against other purchasers of coal has been the subject of numerous prosecutions in previous years.

An unlawful practice in connection with the purchase of fuel coal by carriers has been the subject of several field investigations. This practice consists in the carrier buying its fuel coal from large coal producers at a higher price than the fair market price in order to influence the routing of the preferred operator's commercial shipments. Certain attendant circumstances in each case suggest the conclusion that the price paid by the carrier included a bonus which was intended to reduce the published rates. Of course such a practice is unquestionably a device for defeating the lawfully established rates on commercial shipments of the favored coal producer.

DIVISION OF LAW.

The division of law, as at present organized, represents the Commission in injunction and other proceedings brought by carriers in the federal courts against orders of the Commission, and in such civil actions as the Commission approves to enforce statutory forfeitures incurred by failure to comply with its orders.

It coordinates and supervises the work of the valuation attorneys in the several districts; participates, when so directed, in special investigations instituted by the Commission of its own motion or at the request of Congress; and prepares such briefs and memoranda on questions of law as may be required of it in the general work of the Commission. The following summary is confined to matters in court.

CASES DECIDED BY THE SUPREME COURT.

Since the period covered by the last annual report eight cases involving orders or practices of the Commission have been decided by the Supreme Court of the United States. Of these, five, the *New Castle Switching case*, two *Meeker Reparation cases*, the *Nashville*

Grain case, and the *Nashville Coal Rate case*, were decided in favor of the Commission. In two others, the *Louisville & Nashville Mandamus case* and the *Erie Pass case*, the decisions were adverse to the Commission, while in one, the *Ellis Compulsory Testimony case*, the decision of the Supreme Court was substantially in favor of the Commission, although adverse in certain respects.

The facts and points decided in these several cases were as follows:

NEW CASTLE SWITCHING CASE.

Pennsylvania Co. v. *United States*, 236 U. S., 351.

This was an appeal from an order of the District Court of the United States for the Western District of Pennsylvania, denying a motion for an interlocutory injunction against the Commission, 214 Fed., 445.

The order of the Commission sought to be enjoined had required the Pennsylvania Company to remove discrimination resulting from its refusal to accept from and move to the Buffalo, Rochester & Pittsburgh Railway Company carload lots of freight within the switching limits of New Castle, Pa., while contemporaneously performing a similar switching service for three other carriers at that point.

The Supreme Court, affirming the order of the district court denying the injunction, held that the term "transportation" as used in the act to regulate commerce "covers the entire carriage and services in connection with the receipt and delivery of property transported." In this connection the court held, page 363:

* * * There can be no question that when the Pennsylvania Railroad used these terminal facilities in connection with the receipt and delivery of carload freight transported in interstate traffic it was subject to the provisions of the act, and it was obliged as a common carrier in that capacity to afford all reasonable, proper, and equal facilities for the interchange of traffic with connecting lines and for the receiving, forwarding, and delivering of property to and from its own lines and such connecting lines, and was obliged not to discriminate in rates and charges between such connecting lines. By the amendments to the act the facilities for delivering freight of a terminal character are brought within the terms of the transportation to be regulated.

Appellant insisted before the Supreme Court that the Commission in making the order in question had exceeded its authority for the reasons (1) that no discrimination in a real sense had been established by the record to warrant the making of the order; (2) that the order required the appellant to give the use of its terminals to another carrier in violation of section 3 of the act; and (3) that the effect of the order was to subject appellant's property to the use of the Rochester road without compensation, in violation of the Constitution of the United States.

It was urged in support of the first of these contentions that the Pennsylvania Company was a party to certain reciprocal arrangements in the Mahoning and Shenango Valleys whereby it inter-

changed cars with the favored carriers, but that it had no such arrangement with the Rochester Company. The Supreme Court, however, upheld the conclusion of the Commission and of the district court that the switching arrangement with the three favored carriers did not remove the discriminatory character of the treatment accorded to the Rochester road.

In disposing of the second contention of appellant, the court continued, pages 368–369:

> In the present case we think there is no requirement in the order of the Commission amounting to a compulsory taking of the use of the terminals of the Pennsylvania Company by another road, within the inhibition of this clause of section 3. The order gives the Rochester road no right to run its cars over the terminals of the Pennsylvania Company or to use or occupy its stations or depots for purposes of its own. There is no requirement that the Rochester Company be permitted to store its cars in the yards of the Pennsylvania Company or to make use of its freight houses or other facilities; but simply that the Pennsylvania Company receive and transport the cars of the Rochester Company over its terminals at New Castle in the same manner and with the same facilities that it affords to other railroads connecting with the Pennsylvania Railroad at the same point.

The case of *Louisville & Nashville R. R. Co.* v. *Stock Yards*, 212 U. S., 132, was cited by appellant as authority for its third and final contention that the order of the Commission was violative of the Constitution of the United States. The Supreme Court, however, distinguishing that proceeding from the case at bar, held that as to the order involved in the latter case no attempt had been made to appropriate the terminals of the Pennsylvania Company to the use of the Rochester Company, and that, pages 371–372—

> * * * What is here accomplished is only that the same transportation facilities which are afforded to the shipments brought to the point of connection over tracks used in common by the Baltimore & Ohio Railroad and the Rochester Company shall be rendered to the Rochester Company as are given to the Baltimore & Ohio Company under precisely the same circumstances of connection for the transportation of interstate traffic. All that the Commission ordered was that the company desist from the discriminatory practice here involved, and in so doing we think it exceeded neither its statutory authority nor any constitutional limitation, and that the district court was right in so determining.

The order denying the application for a temporary injunction, therefore, was held to have been properly made, and the judgment of the district court was affirmed.

MEEKER REPARATION CASES.

Meeker v. *Lehigh Valley R. R. Co.*, 236 U. S., 412.

This was a suit brought under section 16 of the act to regulate commerce to recover damages awarded by the Commission as reparation for unreasonable rates and unjust discrimination in the trans-

portation of anthracite coal from collieries in Pennsylvania to Perth Amboy, N. J.

Complainant before the Commission was the surviving member of a copartnership engaged in the anthracite coal trade in New York City. The coal involved was shipped from collieries in Pennsylvania to Perth Amboy, N. J., whence it was transported by water to New York City. Two distinct claims were involved. One was based upon the charge that the railroad company had given to a competitor of complainant's firm an indirect but substantial rebate on all shipments made by that competitor during the period covered by the complaint. The other was based upon the charge that the established rate paid during the designated period by the complainant's firm had been excessive and unreasonable.

After a full hearing, in which the railroad company was an active participant, the Commission concluded that the charge of unjust discrimination had been established, condemned the rate alleged to have been unreasonable and excessive, prescribed a maximum reasonable rate in lieu thereof, held that complainant was entitled to reparation upon both claims, and directed that further proceedings be had to determine the amount of reparation which should be awarded.

Thereafter, further evidence having been offered in the matter, the Commission found that complainant's firm had paid for the transportation in question $69,245.78 more than it would have paid if the rates applied to such shipments had not been unreasonable to the extent found by the Commission, and that complainant was damaged in that amount. The Commission also allowed complainant $27,750.64 by way of interest to September 1, 1911, on the sums awarded as reparation, together with a further allowance of 6 per cent per annum on such principal sums from and after that date, and an order was entered accordingly.

A copy of this order was served upon the carrier, and the latter refused to comply. Complainant thereupon instituted in the District Court of the United States for the Eastern District of Pennsylvania a proceeding under section 16 of the act to regulate commerce, praying judgment against the railroad company for the damages awarded by the Commission as reparation, together with interest and costs and a reasonable attorney's fee. A trial in the district court resulted in a verdict for the plaintiff, assessing the damages at $109,280.17, and judgment was entered for that amount with costs and an attorney's fee for services rendered before the Commission as well as in the district court. This judgment was reversed by the Circuit Court of Appeals for the Third Circuit, 211 Fed., 785, and the case was taken on a writ of *certiorari* to the Supreme Court of the United States.

It was urged before the Supreme Court on behalf of the carrier that the claims filed with the Commission had been barred by the

statutes of limitations. The carrier relied in this connection upon three statutes, as follows: (1) A federal act placing a limitation of five years upon any "suit or prosecution for any penalty or forfeiture, pecuniary or otherwise, accruing under the laws of the United States"; (2) a Pennsylvania statute containing a limitation of six years; and (3) section 16 of the act to regulate commerce as amended June 29, 1906. The Supreme Court held that the first-named statute was inapplicable for the reason that it related solely to penalties or forfeitures applied by way of punishment for the infraction of a public law. The Pennsylvania act was held inapplicable for the reason that it had been superseded by section 3 of the act to regulate commerce.

The amendment of June 29, 1906, contained a provision that it should "take effect and be in force from and after its passage," but on the day following its approval its effective date was postponed 60 days. The Supreme Court held that pending those 60 days the act laid no duty upon any claimant, and that upon the expiration of the period of postponement such claimants had a full year and not a year less 60 days for the presentation of their claims.

In accordance with these conclusions it was held that the complaints filed with the Commission had been seasonably presented, and that as the action in the district court had been begun within a year after the date of the order of reparation the defense predicated upon the statute of limitations was untenable.

In challenging the validity of the order of reparation it was also urged on behalf of the carrier that the statute required that the report, if not the order of the Commission, should state the evidential rather than the ultimate facts upon which the order was based. In overruling this contention, as sought to be applied to the case at bar, the Supreme Court held that the reports of the Commission were in conformity with the requirements of the statute inasmuch as they had disclosed (1) the relation of the parties; (2) the character and amount of the traffic out of which the claims arose; (3) the rates paid by the shipper for the services rendered and whether or not they were in accordance with the published tariffs; (4) whether and in what way discrimination had been practiced against the shipper during the period covered by the complaint; (5) whether, if there was unjust discrimination, the shipper had been injured thereby and, if so, the amount of his damages; (6) whether the rate collected from the shipper during the period covered by the complaint was excessive and unreasonable and, if so, what would have been a reasonable rate for the services rendered; and (7) whether, if such rate was excessive and unreasonable, the shipper was injured thereby and, if so, the amount of his damages.

Referring further to the reports in question, the Supreme Court held that the plain import of the Commission's findings was that the amounts awarded as reparation represented the actual pecuniary loss sustained by the claimant, and that in view of the recital in the reports that such findings were based upon the evidence adduced, it must be presumed, in the absence of evidence to the contrary, that such findings were justified by that evidence.

The railroad also assailed the constitutionality of the provision of section 16 of the act, that, in actions such as the case at bar, "the findings and order of the Commission shall be *prima facie* evidence of the facts therein stated," as infringing the right of trial by jury and operating as a denial of due process of law. The Supreme Court, however, held that the provision in question merely established a rebuttable presumption; that it cut off no defense, interposed no obstacle to a full contestation of all the issues, took no question of fact from either court or jury, and in no wise worked a denial of due process of law.

The district court allowed the sum of $20,000 as an attorney's fee, apportioned in equal amounts between the services in the proceeding before the Commission and those in the action in the district court. The Supreme Court, however, held that the services for which an attorney's fee may be taxed and collected under section 16 of the act to regulate commerce are those incident to the action in which the recovery is had, and not those before the Commission. The fee of $10,000 allowed by the district court for services before the Commission was therefore disallowed. The judgment of the Circuit Court of Appeals for the Third Circuit, reversing the judgment of the district court, was reversed, and the judgment of the district court, as modified, sustaining the order of the Commission, was affirmed.

Meeker v. *Lehigh Valley R. R. Co.*, 236 U. S., 434.

The facts and questions involved in this proceeding were essentially the same as those involved in *Meeker* v. *Lehigh Valley R. R. Co.*, 236 U. S., 412, *supra.*

Complainant before the Commission in this case, however, asked for reparation on account of shipments made by him as successor to, and not as the surviving member of, the copartnership known as Meeker & Co.

After full hearing in the matter of reparation, the rate having been already condemned by the Commission as excessive and unreasonable, reparation was awarded to complainant in the sum of $10,813.60, together with interest thereon to September 1, 1911, amounting to $1,526.53, and a further allowance of interest on such principal sum at the rate of 6 per cent per annum from and after that date.

The carrier refused to comply with the Commission's order of reparation, and complainant brought his action in the district court to enforce the award. A trial in that court resulted in a verdict and judgment for plaintiff in the sum of $13,161.78, the amount of reparation awarded by the Commission with interest. The district court also allowed complainant an attorney's fee of $5,000, one half of which was expressly attributed to the services before the Commission, the other half being allowed for services in the action before the district court. This judgment was reversed by the Circuit Court of Appeals for the Third Circuit, and the case was taken on writ of *certiorari* to the Supreme Court.

On authority of the decision of the Supreme Court in the companion case already noted, *supra*, the attorney's fee of $2,500 allowed by the district court for services before the Commission was disallowed, the judgment of the circuit court of appeals reversing the judgment of the district court was in turn reversed, and the judgment of the district court, as modified, sustaining the order of the Commission, was affirmed.

LOUISVILLE & NASHVILLE MANDAMUS CASE.

United States v. *Louisville & Nashville R. R. Co.*, 236 U. S., 318.

The Supreme Court in this case reviewed, on writ of error to the District Court of the United States for the Western District of Kentucky, an order of that court denying a writ of mandamus sought by the United States on behalf of the Commission, under authority of section 20 of the act to regulate commerce.

The Senate, by resolution, had directed the Commission to investigate and report with respect to the relations existing between the Louisville & Nashville Railroad Company and certain other designated carriers.

During the progress of the investigation instituted by the Commission in pursuance of the Senate resolution it became necessary for certain examiners of the Commission to inspect the accounts, records, and memoranda, including certain correspondence files and indexes thereto, kept by the Louisville & Nashville Railroad Company. The carrier permitted the inspection of certain portions of its accounts and records, but denied to the examiners of the Commission full access to its correspondence files and to the indexes thereto. A writ of mandamus thereupon was asked on behalf of the Commission requiring the railroad company to permit an examination of the records in question.

In answer to this petition for mandamus the respondent alleged that the correspondence to which it had denied access to the Commission's examiners contained matters of a confidential or privileged nature not included in the grant of visitatorial power conferred upon

the Commission by section 20 of the act to regulate commerce. It was further urged on behalf of the respondent that if section 20 should be construed as vesting in the Commission such plenary powers of visitation, the exercise thereof by the Commission would constitute an unreasonable search and seizure in violation of the fourth amendment to the Constitution of the United States. Upon hearing by the district court the motion for mandamus was denied. Thereupon the case was taken on appeal and writ of error to the Supreme Court of the United States. The Supreme Court concluded that, in view of the character of an action in mandamus, the order of the district court denying the writ was properly reviewable by writ of error, and the appeal was dismissed.

After reviewing the legislative history of section 20 of the act to regulate commerce, the court held, pages 334–336:

> Reading these provisions of the act, there is nothing to suggest that they were intended to include correspondence relative to the railroad's business. In recommending the passage of the act the Commission did not suggest that it was essential to its purpose to have an inspection of the correspondence of the railroad. And, with its expert consideration of the questions involved and having clearly in mind the authority it was intended to secure, it can scarcely be supposed that the Commission would have confined its proposed amendment to the carefully chosen words "accounts, records, or memoranda," and would have omitted the word "correspondence," if it had intended to include the latter. If we apply the rule of construction—*noscitur a sociis*—we find that all the provisions of the act as to the inspection of accounts have relation to such as are kept in the system of bookkeeping to be prescribed by the Commission. It would be a great stretch of the meaning of the term as here used to make "memoranda" include correspondence. The "records" of a corporation import the transcript of its charter and by-laws, the minutes of its meetings—the books containing the accounts of its official doings and the written evidence of its contracts and business transactions.
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> How far such a demand as embodied in this petition can be permitted within the constitutional rights set up by the defendant we do not need to consider, as we do not think that the section of the act of Congress under which the demand was made authorizes the compulsory submission of the correspondence of the company to inspection. It is true that correspondence may contain a record, and it may be the only record, of business transactions, but that fact does not authorize a judicial interpretation of this statute which shall include a right to inspection which Congress did not intend to authorize.

In accordance with these conclusions, the petition for mandamus having been dismissed by the district court without prejudice to the right of the Commission to institute a new proceeding, the order of that court refusing the writ and dismissing the petition was affirmed.

NASHVILLE GRAIN CASE.

United States v. *Louisville & Nashville R. R. Co.*, 235 U. S., 314.

This was an appeal from a decree of the Commerce Court enjoining an order of the Commission requiring the Louisville & Nashville

Railroad Company to remove the discrimination resulting from its refusal to extend to Atlanta, Ga., and other designated points reshipping privileges available to shippers at Nashville, Tenn.

Certain Georgia grain dealers had complained to the Commission that the action of the carriers in extending the privilege in question to Nashville, while denying it to Atlanta and the other points involved, was an undue and unreasonable preference to Nashville, in violation of section 3 of the act to regulate commerce.

The Commission, after hearing, sustained this contention of complainants, and entered an order requiring the carriers to desist from the discrimination so found to exist. 21 I. C. C., 186. The Nashville Board of Trade, the Louisville & Nashville Railroad Company, and the Nashville, Chattanooga & St. Louis Railway thereupon sued in the Commerce Court to enjoin the enforcement of the order.

The privilege in controversy was described by the Commerce Court as follows:

> On grain, grain products, and hay shipped to Nashville by rail from or through Ohio or Mississippi River crossing points such as Louisville, Evansville, Hickman, Paducah, Cairo, etc., the L. & N. and N., C. & St. L. charge the full local freight rate from said crossing points to Nashville. These shipments may then be stopped at Nashville for a period not exceeding six months, during which time they may be rebilled or reshipped to destinations in southeastern and Carolina territory; and on such reshipments so rebilled the freight charges into and out of Nashville are readjusted so that the total transportation charge on any one shipment from any given Ohio or Mississippi River crossing via Nashville to any given destination in said territory shall exactly correspond with the transportation charge legally assessable on that shipment had it been billed and moved through from its point of origin at the said Ohio or Mississippi River crossing points to its final destination without having been stopped in transit at Nashville.

The Commerce Court, deciding that the question of undue preference was one of law upon which it was its duty to reach an independent conclusion, held that the privilege in question was not unlawful nor preferential, and enjoined the enforcement of the Commission's order.

On appeal to the Supreme Court it was held, page 320, that the Commerce Court—

> * * * in substituting its judgment as to the existence of preference for that of the Commission on the ground that where there was no dispute as to the facts it had a right to do so, obviously exerted an authority not conferred upon it by the statute. It is not disputable that from the beginning the very purpose for which the Commission was created was to bring into existence a body which from its pecular character would be most fitted to primarily decide whether from facts, disputed or undisputed, in a given case preference or discrimination existed.

Referring to the applicability of section 4 to the transit in question, it was held further, pages 322, 323, that

> * * * even if the allowance of such rebilling privilege when originally made was authorized by the statute, and was therefore not a preference, the

right to continue it had been expressly prohibited by statute until on application made to the Commission its consent to that end was given. The express or implied statutory recognition of the authority on the part of carriers to primarily determine for themselves the existence of substantially similar circumstances and conditions as a basis of charging a higher rate for a shorter than for a longer distance within the purview of section 4 of the act to regulate commerce and the right to make a rate accordingly to continue in force until on complaint it was corrected in the manner pointed out by statute, ceased to exist after the adoption of the amendment to section 4 by the act of June 18, 1910, c. 309, 36 Stat., 539, 547. This results from the fact that by the amendment in question the original power to determine the existence of the conditions justifying the greater charge for a shorter than was exacted for a longer distance was taken from the carriers and primarily vested in the Interstate Commerce Commission, and for the purpose of making the prohibitions efficacious it was enacted that after a time fixed no existing rate of the character provided for should continue in force unless the application to sanction it had been made and granted.

The court concluded that the privilege in question was cognizable under the fourth section of the act to regulate commerce and in violation of the public policy which that section was intended to subserve. The decree of the Commerce Court was accordingly reversed, without prejudice, however, to the right of the carriers to apply to the Commission for relief from the provisions of the fourth section if they should be so advised.

ERIE PASS CASE.

United States v. *Erie R. R. Co.*, 236 U. S., 259.

This case was reviewed by the Supreme Court on direct appeals from decrees of the District Court of the United States for the Southern District of New York, dismissing two bills filed by the United States to enjoin the Erie Railroad Company from issuing passes to employees of common carriers not subject to the act to regulate commerce.

The complaint, which was instituted at the instance of the Commission, was predicated upon certain passes issued by the Erie Railroad Company to employees of trans-Atlantic steamship lines and to an employee of the Great Eastern Railway Company of England, none of which carriers was subject to the act to regulate commerce. It was argued on behalf of the Commission that the giving of such passes to employees of carriers not subject to the act constituted a departure from the tariffs published and filed by the railroad company and a discrimination as against other passengers transported by that carrier. The suit was filed in accordance with the provisions of the Elkins act authorizing injunction proceedings to prevent common carriers from departing from their published rates or from committing any discrimination forbidden by law.

The district court, after hearing, denied the injunction and dismissed the petition, whereupon appeals were taken to the Supreme

Court of the United States. The United States contended *inter alia* before the Supreme Court that the rulings of the Commission expressly prohibited the practice in question, and that Congress, by the reenactment of the statute, had adopted the Commission's interpretation. In overruling this contention, however, the court held, pages 270, 271–272:

> But these rulings were never enforced, and the custom of carriers was uniformly the other way. Against a mere verbal construction, therefore, permitted to languish in inactivity, we have the unopposed practice of the companies. The Commission's action, therefore, can not have the absolute effect that the Attorney General ascribes to it.
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> Counsel seem to think that the railroads have an eager desire to distribute passes and burden their transportation service with a crowd of free passengers. Congress certainly had no such view, and gave power to exchange passes, considering that the best safeguard against its abuse was the interest of the carriers. The cases at bar are a typical instance of its exercise. It has its justification in a strictly business policy, and instead of being a burden upon the resources of the companies it is an aid to them. With these examples before us and in view of the other reasons which we have adduced, we see no reason to disregard the literal terms of the statute.

The decrees of the district court denying the injunction and dismissing the bill were thereupon affirmed.

NASHVILLE COAL RATE CASE.

Louisville & Nashville R. R. Co. v. *United States*, 238 U. S., 1.

This was an appeal from an order of the District Court of the United States for the Middle District of Tennessee denying a motion for an injunction to restrain an order of the Commission. 216 Fed., 672.

The traffic bureau of Nashville had instituted proceedings before the Commission against the Louisville & Nashville Railroad Company and certain other carriers operating at Nashville, attacking a certain rate on coal and complaining of certain alleged discriminatory switching practices observed by the defendants at that point.

The Commission, after full hearing, having found that the rate in question was unreasonable and that the designated switching practice was discriminatory, ordered a reduction of the rate and directed the carriers involved to cease and desist from the discriminatory switching practice so found to exist.

Certain of the carriers affected by the order of the Commission sought by a bill in equity to enjoin its execution. An application for a preliminary injunction, however, was denied by the district court, and the case was appealed to the Supreme Court of the United States.

The principal contention of the carriers was that the Commission's findings of fact with respect to the unreasonableness of the rate in question did not sustain its order.

The Supreme Court analyzed the evidence upon which the Commission had based its findings that the rate attacked was unreasonable, and held, page 16:

* * * In the light of these findings we can not say that the facts set out in the report do not support the order. And since there is no contention, at this time, that the reduced rate is confiscatory we can but repeat what was said in *Int. Com. Comm.* v. *Louis. & Nash. R. Co.*, 227 U. S., 88:

"The pleadings charged that the new rates were unjust in themselves and by comparison with others. This was denied by the carrier. The Commission considered evidence and made findings relating to rates which the carrier insists had been compelled by competition and were not a proper standard by which to measure those here involved. The value of such evidence necessarily varies according to the circumstances, but the weight to be given it is peculiary for the body experienced in such matters and familiar with the complexities, intricacies, and history of rate making in each section of the country."

In regard to the switching practice in question the Commission had found that the Louisville & Nashville Railroad Company and the Nashville, Chattanooga & St. Louis Railway were performing the switching service for each other and that both were performing such service for the Tennessee Central Railroad Company except as to coal and competitive traffic. It found further that such a practice was unreasonable and unjustly discriminatory and that a reasonable practice would permit the switching of coal from the interchange tracks of each carrier to industries situated on the lines of all the others. In dealing with this question the court said, page 19:

* * * Under the provisions of the commerce act (24 Stat., 380) the reciprocal arrangement between the two appellants would not give them a right to discriminate against any person or "particular description of traffic;" for section 3 requires railroad companies to furnish equal facilities for the interchange of traffic between their respective lines * * * "provided that this should not be construed as requiring any such common carrier to give the use of its tracks or terminal facilities to another carrier engaged in like business." If the carrier, however, does not rest behind that statutory shield, but chooses voluntarily to throw the terminals open to many branches of traffic, it to that extent makes the yard public. Having made the yard a facility for many purposes and to many patrons, such railroad facility is within the provisions of section 3 of the statute, which prohibits the facility from being used in such manner as to discriminate against patrons and commodities. The carriers can not say that the yard is a facility open for the switching of cotton and wheat and lumber but can not be used as a facility for the switching of coal. Whatever may have been the rights of the carriers in the first instance, whatever may be the case if the yard was put back under the protection of the proviso to section 3, the appellants can not open the yard for most switching purposes and then debar a particular shipper from a privilege granted the great mass of the public. In substance that would be to discriminate not only against the tendering railroad, but also against the commodity which is excluded from a service performed for others. * * *

The judgment of the district court, sustaining the orders of the Commission, was accordingly affirmed.

ELLIS COMPULSORY TESTIMONY CASE.

Ellis v. *Interstate Commerce Commission*, 237 U. S., 434.

This was an appeal from an order of the District Court of the United States for the Northern District of Illinois directing the appellant to answer certain questions and to produce certain documents required by the Commission to be answered and produced.

The Commission of its own motion had instituted an investigation to determine whether or not the allowances paid by common carriers subject to the act to regulate commerce for the use of private cars, the practices governing the handling and icing of such cars, and the minimum carload weights applicable to the commodities shipped therein, were in violation of the act to regulate commerce.

In the course of this investigation it became necessary for the Commission to ascertain whether or not the Armour Car Lines was owned and controlled by Armour & Company, and whether or not the former constituted a device whereby the latter was enabled to obtain concessions from the published rates of transportation; also whether Armour Car Lines was receiving for its refrigeration services unreasonable compensation inuring to the benefit of Armour & Company. Appellant, vice president of Armour Car Lines, at a hearing before the Commission declined to answer certain questions propounded to him and to produce certain documentary evidence required by the Commission to be produced. A proceeding under section 12 of the act to regulate commerce was instituted by the Commission in the district court to compel the witness to comply with the order of the Commission. After hearing, the district court, by order, directed the witness to comply with the requirements of the Commission, and he appealed to the Supreme Court of the United States.

It was urged on behalf of the appellant before the Supreme Court that Armour Car Lines was not a common carrier subject to the act to regulate commerce, and that, for that reason, appellant could not be required to testify with respect to all the questions propounded by the Commission. The Supreme Court sustained the contention that the Armour Car Lines was not a common carrier subject to the act, and held that the position of appellant was simply that of a witness interested in, but a stranger to, the inquiry. Certain questions pertaining to the strictly private business of Armour Car Lines were held to concern matters "into which the Commission was not authorized to inquire," but as to all the other questions defined in the order of the district court it was held that they must be answered by

appellant. The order of the district court was accordingly reversed without prejudice to the right of the Commission to institute such further proceedings as might be necessary to elicit information within the limitations defined by the Supreme Court.

CASES DECIDED BY LOWER COURTS, CASES INSTITUTED, AND CASES PENDING.

Since the period covered by the last annual report decisions involving orders or requirements of the Commission have been rendered in courts other than the Supreme Court of the United States in 14 cases, 13 in favor of the Commission and 1 adverse. Of these, 13 were decided in district courts of the United States and 1 in the Court of Appeals of the District of Columbia. In addition, motions for interlocutory injunctions against orders of the Commission have been denied by district courts in 2 cases, and 6 cases have been dismissed in district courts, 5 on motion of complainant carriers and 1 at the instance of the Commission. One case was dismissed in the Court of Appeals of the District of Columbia on motion of the appellant.

During the same period 23 cases involving orders or requirements of the Commission have been instituted in district courts of the United States. One of these was an action against a carrier to recover the penalty prescribed by section 16 of the act to regulate commerce for failure to obey an order of the Commission.

Twenty-six cases involving orders or requirements of the Commission are now pending, 8 in the Supreme Court and 18 in district courts of the United States.

Summaries embracing all the foregoing are given in Appendix B.

DIVISION OF CARRIERS' ACCOUNTS.

The work of the division of carriers' accounts in connection with the formulation of uniform systems of accounts for the several classes of carriers and with the examinations of accounts in the carriers' offices has been fully described in the reports of previous years.

During the constructive period in which the systems of accounts have been developed it has been necessary to revise and reissue a number of accounting classifications for the purpose of more nearly meeting the practical needs of the carriers and the requirements of the Commission. The underlying principles of the systems, however, are now well established, and it is believed that no extensive revision of the classifications will be required for some years to come. The current accounting publications are:

	Effective date.
STEAM ROADS.	
Classification of Operating Revenues and Expenses	July 1, 1914
Classification of Operating Expenses—Condensed	Do.
Classification of Investment in Road and Equipment	Do.
Classification of Train-miles, Locomotive-miles, and Car-miles	Do.
Classification of Income, Profit and Loss, and General Balance Sheet	Do.
Interpretations of Accounting Classifications	July 1, 1914
Regulations to Govern the Destruction of Records	July 1, 1915
Regulations to Govern the Issuing and Recording of Passes	Jan. 1, 1912
ELECTRIC RAILWAYS.	
Uniform System of Accounts	July 1, 1914
Interpretations of Accounting Classifications	July 1, 1915
Regulations to Govern the Destruction of Records	May 1, 1913
CARRIERS BY WATER.	
Classification of Operating Expenses	Jan. 1, 1911
Classification of Operating Revenues	Do.
Form of General Balance Sheet	Jan. 1, 1913
Classification of Expenditures for Real Property and Equipment	Do.
Classification of Income, Profit and Loss Accounts	Do.
Regulations to Govern the Destruction of Records	Do.
EXPRESS COMPANIES.	
Uniform System of Accounts	July 1, 1914
Interpretations of Accounting Classifications	July 1, 1910
Regulations to Govern the Destruction of Records	July 1, 1915
It is the present intention to revise the interpretations of accounting classifications and also to publish regulations to govern the issuing and recording of franks.	
PIPE-LINE COMPANIES.	
Classification of Investment in Pipe Lines, Pipe-Line Operating Revenues, and Pipe-Line Operating Expenses	Jan. 1, 1915
Regulations to Govern the Destruction of Records	July 1, 1915
This system of accounts to be completed by the issuance of a classification of income, profit and loss, and general balance sheet accounts.	
SLEEPING-CAR COMPANIES.	
Classification of Revenues and Expenses of Sleeping-Car and Other Operations	July 1, 1912
Regulations to Govern the Destruction of Records	Oct. 1, 1911
This system of accounts to be revised and completed.	
TELEPHONE COMPANIES.	
Uniform System of Accounts (Classes A and B)	Jan. 1, 1913
Uniform System of Accounts (Class C)	Jan. 1, 1915
Regulations to Govern the Destruction of Records	Feb. 1, 1914
TELEGRAPH AND CABLE COMPANIES.	
Uniform System of Accounts	Jan. 1, 1914
Regulations to Govern the Destruction of Records	Feb. 1, 1914

The regulations to govern the issuing and recording of passes of steam roads will be revised and amplified to include instructions for the guidance of electric railway companies and carriers by water.

Material progress has been made toward standardization of accounting practices. Examinations of carriers' accounts, an important function of the division, are being carried forward by the corps of examiners.

Studies of particular phases of accounting practices have been made through the medium of special reports required of carriers. These have proven so satisfactory as an auxiliary to the work being

done by examiners of accounts in the determination of accounting practices that it is the intention to increase the number of studies during the coming year.

The special work done by examiners and the results derived from the studies mentioned have yielded information of great value which has materially contributed to enhancing the good effect and beneficial results accomplished through examinations of carriers' accounts.

The establishment of branch offices at New York, Pittsburgh, Chicago, St. Paul, St. Louis, New Orleans, and San Francisco has resulted in considerable economy of time and in sufficient reduction of traveling expenses to permit a substantial increase in the number of employees.

CLAIMS AGAINST CARRIERS.

Since the last annual report the complete results of the special inquiry as to the time required by steam railway carriers to investigate and adjust claims received by them from shippers have been obtained. There follows a tabulation of claims presented to carriers having annual revenues exceeding $1,000,000 and the number of these claims adjusted by them during the period indicated.

Claims presented to carriers during the calendar year 1914.

	Loss and damage.	Overcharge.	Total.
Interstate:			
Local	$713,245	$219,404	$932,649
Interline	1,615,494	757,406	2,372,900
Total	2,328,739	976,810	3,305,549
Intrastate:			
Local	765,764	224,894	990,658
Interline	181,087	86,144	267,231
Total	946,851	311,038	1,257,889
Grand total	3,275,590	1,287,848	4,563,438

Percentage of "interstate" claims, 72.44; percentage of "intrastate" claims, 27.56.

NOTE.—The term "local" pertains to claims in connection with traffic handled by one carrier; "interline" to that handled by two or more carriers.

Number of above claims that were adjusted by carriers between Jan. 1, 1914, and Mar. 31, 1915.

Character of claims.	Manner of adjustment.			
	Paid.	Declined.	Withdrawn.	Total.
Loss and damage	2,800,399	298,189	56,858	3,155,446
Overcharge	1,003,824	207,217	22,611	1,233,652
Grand total	3,804,223	505,406	79,469	4,389,098
Percentage	86.674	11.515	1.811	.....

Division of time in which the adjustments were accomplished between Jan. 1, 1914, and Mar. 31, 1915.

Period of adjustment.	Loss and damage claims.	Overcharge claims.	Total.	Percentage relation of each period.
After receipt:				
Within 15 days	1,574,712	548,140	2,122,852	48.366
Within 30 days	532,982	248,401	781,383	17.803
Within 60 days	156,213	208,201	664,414	15.138
Within 90 days	236,056	97,276	333,332	7.595
Within 120 days	155,883	61,240	217,123	4.947
Within 6 months	112,358	39,567	151,925	3.461
Within 1 year	83,421	29,608	113,029	2.575
Over 1 year	3,821	1,219	5,040	.115
Total	3,155,446	1,233,652	4,389,098	100

Claims that remained unadjusted on Mar. 31, 1915.

Loss and damage	120,144
Overcharge	54,196
Total	174,340

It will be observed that of the 4,563,438 claims presented to carriers, 4,389,098, or 96 per cent, were adjusted. Of the claims adjusted nearly 50 per cent were adjusted within 15 days after receipt by carriers, more than 65 per cent within 30 days, and all but 6 per cent within 120 days. From these figures it appears that much progress has been made by carriers in the matter of handling claims, and there are reasons for believing that their claims' departments are now organized on a more efficient basis than formerly.

There is also presented a classified statement of amounts adjusted for loss and damage to freight by these carriers between January 1, 1914, and December 31, 1914. It will be noted that $32,375,617.55, representing 1.117 per cent of their gross operating revenues, was charged out by these carriers during the year on account of loss and damage to freight. This statement also indicates to some extent the risk involved in the transportation of particular commodities, as well as the causes which were assigned by the carriers for the loss and damage. The information it contains will be helpful in the efforts now being made to minimize this waste by improving the general conditions respecting the marking, packing, and handling of freight, and to secure the adoption of measures by which the causes of claims may be abated. The statement follows:

,000,000, period Jan. 1, 1914, to Dec. 31, 1914.

roper dling, ng, or ng and roper ng and ages of ight. M.	Delays. N.	Unlocated damage. O.	Forfeitures under penalty statutes. P.	Amount recovered from sale of refused and unclaimed freight—Credit. Q.	Total. R.	Ratio of amount paid on each commodity to total payments on all commodities.
C						*Per cent.*
,666.00	$10,991.76	$22,021.37	$59.35	$25,168.09	$912,420.63	2.818
,149.31	49,605.25	107,317.33	241.44	71,802.99	2,194,096.03	6.777
,232.72	29,574.12	50,124.06	.....	36,548.12	323,561.87	.999
,297.69	20,480.43	327,477.26	4.31	102,565.55	686,347.27	2.120
,223.60	516,722.11	498,501.59	1,240.22	114,029.95	2,687,393.36	8.300
,490.20	867,713.38	473,277.34	75.08	26,923.63	2,211,655.92	6.831
,591.56	149,903.57	89,032.72	350.56	31,201.82	1,031,633.61	3.186
,717.01	62,885.76	40,950.29	5.90	12,901.96	248,446.98	.767
,419.34	139,023.68	72,176.14	573.93	148,650.45	2,718,077.58	8.395
,736.12	18,491.28	362,016.25	694.41	125,405.39	1,394,578.04	4.308
,019.57	12,471.91	95,703.06	143.66	125,499.90	405,559.88	1.253
,888.23	21,024.22	312,410.30	622.76	68,780.21	1,434,687.68	4.431
,449.51	7,845.44	111,174.28	249.16	8,774.54	740,832.78	2.288
,761.66	9,918.64	32,983.37	187.73	22,261.99	613,538.23	1.895
,329.73	15,992.25	29,776.22	273.95	73,180.79	404,214.05	1.249
,050.08	5,427.09	642,697.40	478.25	36,819.06	1,626,330.70	5.023
,932.14	5,601.75	406,164.16	830.09	12,040.99	1,011,605.76	3.125
,481.09	6,065.52	317,480.87	140.20	12,232.72	903,881.95	2.792
,199.12	5,865.37	251,509.89	24.70	4,555.49	698,614.60	2.161
,207.65	2,171.63	234,562.31	47.44	9,666.88	516,895.74	1.597
,721.61	8,926.24	175,614.90	333.87	28,037.58	676,499.42	2.089
,244.99	2,682.14	139,921.47	.....	13,912.39	492,377.48	1.521
,305.11	2,427.57	81,616.52	76.00	5,328.99	256,235.55	.791
,947.91	215,534.06	1,893,125.85	5,908.11	838,867.69	8,186,132.44	25.284
,061.95	2,187,345.17	6,767,634.95	12,561.12	1,955,157.17	32,375,617.55	100
F						
4.157	6.756	20.903	0.040	6.039	100	.....

.....	per cent..	1.117
.....	do.....	1.551
.....	do.....	1.625

Classification by causes and commodities of amounts adjusted for loss and damage to freight by steam railway carriers having annual revenues exceeding $1,000,000, period Jan. 1, 1914, to Dec. 31, 1914.

	Causes.																		
	Robbery.		Concealed loss.	Unlocated loss.		Fire.	Wrecks.	Concealed damage.	Defective equipment.	Errors of employees.	Rough handling of cars.	Improper refrigeration and ventilation.	Improper handling, loading, or stowing and improper packing and packages of freight.	Delays.	Unlocated damage.	Forfeitures under penalty statutes.	Amount recovered from sale of refused and unclaimed freight—Credit.	Total.	Ratio of amount paid on each commodity to total payments on all commodities.
	Of entire package.	Other.		Of entire package.	Other.														
	A.	B.	C.	D.	E.	F.	G.	H.	I.	J.	K.	L.	M.	N.	O.	P.	Q.	R.	
Commodities:																			*Per cent.*
1. Boots and shoes	$98,509.75	$205,109.88	$128,249.09	$252,633.81	$109,840.09	$35,274.77	$22,594.71	$7,945.55	$4,721.39	$24,867.08	$7,104.12	.....	$7,666.00	$10,991.76	$22,021.37	$59.35	$25,168.09	$912,420.63	2.818
2. Clothing, dry goods, and notions	187,823.80	478,736.61	355,792.81	490,561.74	193,628.10	58,729.14	68,387.50	79,045.24	30,150.31	74,323.02	43,407.42	.....	48,149.31	49,605.25	107,317.33	241.44	71,802.99	2,194,096.03	6.777
3. Butter and cheese	15,135.06	9,754.34	2,307.69	120,130.44	16,902.92	3,315.66	12,085.90	2,101.22	6,328.04	9,768.64	27,738.46	$40,610.72	14,232.72	29,574.12	50,124.06	.....	36,548.12	323,561.87	.999
4. Eggs	5,244.27	2,033.37	1,958.44	66,596.08	10,783.23	1,944.19	21,685.15	20,271.62	17,754.31	10,643.18	211,901.90	38,837.39	31,297.69	20,480.43	327,477.26	4.31	102,565.55	686,347.27	2.120
5. Fresh fruits and vegetables	12,325.45	32,187.19	5,510.00	184,839.77	69,301.84	13,869.95	136,378.34	8,732.75	54,090.78	130,521.54	396,446.83	656,531.35	84,223.60	516,722.11	498,501.59	1,240.22	114,029.95	2,687,393.36	8.300
6. Live stock	1,168.74	652.48	178.46	31,984.35	29,264.08	35,120.81	194,727.68	2,432.67	42,178.69	79,334.77	431,612.43	368.39	48,490.20	867,713.38	473,277.34	75.08	26,923.63	2,211,655.92	6.831
7. Meats and packing-house products	27,312.64	32,460.23	8,560.08	219,945.25	44,325.44	3,826.91	187,825.60	3,570.56	17,180.13	32,276.88	40,397.85	178,275.45	27,591.56	149,903.57	89,032.72	350.56	31,201.82	1,031,633.61	3.186
8. Poultry, game, and fish	4,170.13	7,208.60	1,580.87	27,346.13	10,432.32	269.35	18,869.89	1,989.78	3,841.45	15,306.83	19,269.28	41,505.35	5,717.01	62,885.76	40,950.29	5.90	12,901.96	248,446.98	.767
9. Grain	3,760.79	21,826.10	9,250.15	73,554.41	634,128.58	25,576.52	217,657.72	6,319.65	1,560,213.94	41,800.72	35,777.74	668.62	24,419.34	139,023.68	72,176.14	573.93	148,650.45	2,718,077.58	8.395
10. Flour and other mill products	8,158.56	3,550.26	5,158.85	128,644.62	52,995.53	13,086.58	43,241.86	5,123.34	685,366.39	30,026.40	105,692.98	.....	57,736.12	18,491.28	362,016.25	694.41	125,405.39	1,394,578.04	4.308
11. Sugar	5,960.52	4,540.53	1,566.14	94,051.42	42,431.52	10,458.18	13,199.47	2,406.92	160,143.35	8,000.69	48,962.84	.....	31,019.57	12,471.91	95,703.06	143.66	125,499.90	405,559.88	1.253
12. Groceries	27,265.66	64,780.40	14,737.52	422,388.58	160,135.38	21,022.61	53,023.90	16,512.98	78,925.60	32,792.19	182,178.48	13,759.08	81,888.23	21,024.22	312,410.30	622.76	68,780.21	1,434,687.68	4.431
13. Wines, liquors, and beers	48,924.38	84,275.71	11,991.73	211,854.58	96,656.20	8,664.96	24,490.86	10,331.87	3,906.01	14,751.13	72,128.00	17,913.50	24,449.51	7,845.44	111,174.28	249.16	8,774.54	740,832.78	2.288
14. Tobacco and tobacco products	58,196.58	81,340.79	15,179.27	269,661.68	61,277.29	4,336.99	31,950.53	13,041.45	17,997.53	17,452.11	11,514.60	.....	10,761.66	9,918.64	32,983.37	187.73	22,261.99	613,538.23	1.895
15. Cotton	3,126.65	1,667.44	530.48	160,023.73	19,994.55	176,878.09	5,264.55	680.10	7,479.21	43,513.17	2,864.72	.....	9,329.73	15,992.25	29,776.22	273.95	73,180.79	404,214.05	1.249
16. Furniture (new)	4,607.37	2,635.29	6,061.76	167,307.88	18,677.42	23,447.44	73,185.35	185,635.89	22,569.08	17,132.06	406,237.40	.....	137,050.08	5,427.09	642,697.40	478.25	36,819.06	1,626,330.70	5.023
17. Household goods	5,579.22	11,377.24	5,748.81	106,085.06	17,361.56	15,495.44	23,844.80	71,766.52	11,647.39	16,034.14	257,178.43	.....	68,932.14	5,601.75	406,164.16	830.09	12,040.99	1,011,605.76	3.125
18. Products of cement, clay, and stone	1,501.14	1,607.25	3,071.83	35,683.29	12,282.31	5,665.61	29,299.39	46,343.88	60,078.96	11,428.74	343,984.59	.....	41,481.09	6,065.52	317,480.87	140.20	12,232.72	903,881.95	2.792
19. Glass and glassware	1,542.21	3,092.56	4,028.01	46,737.19	7,796.80	3,059.64	25,203.57	111,262.03	3,785.04	6,118.49	168,945.47	.....	64,199.12	5,865.37	251,509.89	24.70	4,555.49	698,614.60	2.161
20. Stoves	785.03	1,413.04	1,280.68	51,264.39	7,513.49	2,844.47	8,995.27	21,882.15	8,649.77	4,482.11	141,463.19	.....	39,207.65	2,171.63	234,562.31	47.44	9,666.88	516,895.74	1.597
21. Iron and steel castings and bars	5,792.13	4,969.13	4,135.02	184,723.95	33,543.89	12,888.45	40,160.19	13,643.56	47,651.12	20,305.85	111,127.09	.....	40,721.61	8,926.24	175,614.90	333.87	28,037.58	676,499.42	2.089
22. Vehicles	8,794.99	25,479.17	2,687.43	43,128.39	13,628.51	23,683.19	85,068.55	11,502.74	5,529.02	16,756.50	99,182.78	.....	28,244.99	2,682.14	139,921.47	.....	13,912.39	492,377.48	1.521
23. Agricultural implements	1,299.70	4,736.84	1,754.92	54,135.92	15,612.17	6,700.37	29,114.86	3,575.29	1,463.06	3,869.81	40,876.40	.....	14,305.11	2,427.57	81,616.52	76.00	5,328.99	256,235.55	.791
24. All other commodities	122,174.75	198,816.22	97,559.67	1,713,036.28	843,758.35	284,091.14	780,417.61	268,400.34	654,895.38	357,630.05	1,137,488.76	47,215.65	404,947.91	215,534.06	1,893,125.85	5,908.11	838,867.09	8,186,132.44	25.284
Grand total	659,159.52	1,284,250.67	688,879.71	5,156,318.94	2,522,271.57	790,250.46	2,096,673.25	914,518.10	3,506,545.95	1,019,136.10	4,343,481.76	1,035,685.50	1,346,061.95	2,187,345.17	6,767,634.95	12,561.12	1,955,157.17	32,375,617.55	100
Ratio of amount paid account of each cause to total payments, per cent	2.036	3.966	2.128	15.926	7.790	2.444	6.476	2.825	10.830	3.148	13.415	3.199	4.157	6.756	20.903	0.040	6.039	100	.....

Number of carriers reporting	180	Ratio of amount paid to total operating revenues	per cent.. 1.117
Number of miles operated by carriers reporting	227,884	Ratio of amount paid to total operating expenses	do..... 1.551
Amount paid per mile of road operated	$142.07	Ratio of amount paid to freight revenues	do..... 1.625

DIVISION OF STATISTICS.

The work of the division of statistics has been substantially similar in character to the work of that division in prior years. It includes the preparation of report forms, the analysis and correction of annual and other statistical reports from railways and other common carriers engaged in interstate commerce, and the compilation and publication of such matters therefrom as seem of general public interest.

In addition to its usual work of the past few years the division has devoted considerable time to other important matters, the principal results of which are here stated. In this connection the Commission held general hearings and sought the cooperation of committees, representatives of the American Railway Association, state commissions, and other interested parties.

The annual report forms pertaining to steam and electric railway companies were recast for the year ended June 30, 1915. In this revision many changes were necessary to provide for returns in accordance with the revised accounting classifications that became effective at the beginning of the year. Various other changes resulted from new requirements or modifications, the purpose of the changes being to secure information that would be of greater usefulness.

The preparation of annual report forms pertaining to carriers by water having annual operating revenues above $500,000 and to telephone companies having annual operating revenues above $250,000 was completed, and these two classes of carriers made annual reports to the Commission for the first time covering the year ended December 31, 1914.

Rules governing the classification of steam-railway employees with respect to occupation and compensation were prescribed by the Commission, effective July 1, 1915. As the number of classes of railway employees concerning which returns are now required in the annual reports of steam railway companies was increased from 18 to 68, the need of a detailed classification became urgent in order to secure uniform returns.

Revised rules governing monthly reports of railway accidents were also prescribed by the Commission to take effect July 1, 1915, and suitable forms were devised for the required reports of such accidents. These rules, superseding those of 1910, pertain to both steam and electric railway companies, and were deemed necessary principally to obtain more comprehensive and uniform returns of railway accidents.

At a hearing held by the Commission on January 18, 1915, with reference to a proposed revision of the rules governing monthly reports of railway accidents, it was determined that a detailed consideration of the matter should be had by a joint committee in which the various interests involved should be represented. On May 17, 1915, the Commission gave another opportunity to the carriers and other interested parties to present their views on the matter.

The rules governing monthly reports of railway accidents, effective July 1, 1915, are arranged more systematically and provide more specific instructions for the classification of accidents than the former rules. Among the changes embodied in the revision are the requirement of a report of the total number of locomotive-miles and the total number of train-miles run during each month, and a summary statement of industrial accidents compared on the basis of the man-hours of employees subject to industrial accidents. One of the forms adopted for returns is designed as a supplemental report of details in connection with accidents resulting from rail failures or those in which failures of rails are involved or are among the attendant circumstances.

Following the developments in connection with the separation of operating expenses, described in the last annual report, a new circular outlining a method for separating operating expenses between freight and passenger services was prepared. This circular was the subject of a discussion before the Commission on May 21, 1915. Representatives of railroads and of various state railroad commissions participated.

The arguments related mainly to the methods of making such a division of expenses, the advisability thereof having been considered at the previous hearing. No serious difference of opinion developed as to the methods proposed, except with reference to expenses for maintenance of way and structures used in common by freight and passenger services. An order was issued, effective as of July 1, 1915, requiring all carriers having operating revenues in excess of $1,000,000 to classify each of its various items of disbursement relating to operating accounts according to the relation which such item bears to the freight service or to the passenger and allied services of the carrier, rules being given for apportioning items of expense common to both classes of service, except as to certain items under maintenance of way and structures, which are for the present to be left undivided. Decision as to these items was reserved until a further study of them could be made. The data resulting from this order will not be available until after the close of the fiscal year ending in 1916. It is expected that this class of information will be of assistance not only in rate cases but also in making comparisons of changes in operating costs from year to year and among various railroads in a given year.

The Commission has always considered it inadvisable to make publication of statistical matters in permanent form until after the reports on which such publications are based have had, as far as practicable, the benefit of careful scrutiny and correction of errors.

The monthly bulletins of revenues and expenses of steam roads with annual operating revenues above $1,000,000 were discontinued with the publication of Bulletin No. 69 for the month of August, 1914, but the issuance of a daily bulletin of revenues and expenses of this same class of carriers by railway, chiefly for the benefit of the press, has been continued. This press bulletin shows the cumulative revenues and expenses of the more important railways as reported for the latest current month for which reports are received. The Commission's rules require that the reports of steam railway companies for a particular month be mailed on or before the last day of the following month, and in consequence about the 25th of each month reports for the preceding month begin to be filed in this division. As soon as enough reports are on hand to make a compilation of significance the daily bulletin showing comparative figures for the particular month for which the reports are made, and also for the period from July 1 to the close of that month, as well as for the corresponding month and period of the previous year, is prepared and copies of it are given to the press. A monthly press bulletin compiled from the reports of express companies also has been made public in a similar manner. Express companies, however, need a longer time for the preparation of their monthly reports than railway companies and are allowed three months in which to make them.

A printed abstract based on compilations for the Twenty-seventh Annual Report on the Statistics of Railways in the United States for the year ended June 30, 1914, was issued under date of March 31, 1915, and the text of the complete report was published on August 31, 1915.

The preparation of the Preliminary Abstract of Statistics of Common Carriers for the year ended June 30, 1915, the fifth in the series, was begun as soon as annual reports were received from the respective companies included in the report so that its publication could be effected at the earliest practicable date. This abstract is based on the reports of carriers as rendered, thus being preliminary and subject to revision. It includes important financial and operating statistics of individual steam railway companies having annual operating revenues above $1,000,000 and of The Pullman Company. It also includes a statement of the income account and profit-and-loss account of the principal express companies in the United States. For revised figures relating to railways and to express companies reference should be made to the Commission's annual volumes issued

under the titles "Statistics of Railways in the United States" and "Statistics of Express Companies in the United States."

Since the date of the preceding annual report three reports on the statistics of express companies in the United States have been published covering the years ended June 30, 1912, 1913, and 1914.

There are presented in Appendix C various figures compiled from annual and other periodic reports of carriers filed with the Commission.

DIVISION OF SAFETY.

The work of the division of safety has been substantially similar in character to that of previous years. A detailed report of its work is published separately.

SAFETY APPLIANCE ACTS.

During the fiscal year ended June 30, 1915, 90 employees were killed and 1,994 injured in coupling and uncoupling cars, and casualties resulting from overhead and side obstructions and from falling from and getting on and off cars occasioned 458 deaths and 12,128 injuries. This represents a decrease of 81 in the number killed and 700 in the number injured in the former class of accidents and 185 in the number killed and 4,300 in the number injured in the latter class of accidents, as compared with the previous year.

During the fiscal year 161 cases, involving an aggregate of 430 violations of the law, were transmitted to the several United States attorneys for prosecution. Cases comprising 140 counts were tried, of which 81 counts were decided in favor of the Government, 12 decided against the Government, and 47 counts are still pending decision. Cases involving 34 counts were argued in the circuit courts of appeals, all of which were decided in favor of the Government. The decision of the circuit courts of appeals on the 26 counts taken to the Supreme Court on writ of error mentioned in the last annual report was reversed in a decision rendered in favor of the Government by the Supreme Court. Carriers confessed judgment as to 613 counts.

It is gratifying to note that during the fiscal year just passed there has been a reduction of nearly 50 per cent in the number of violations of the safety appliance acts reported for prosecution, as compared with the years 1913 and 1914. This indicates a more rigid inspection and an increase in the efficiency of the repair facilities for cars at repair points. From the tabulated summary appended to the report of the chief of the division of safety to the Commission, however, as well as from the number of violations reported for prosecution, it is obvious that conditions can be still further improved.

To comply fully with the requirements of the safety appliance acts, adequate repair facilities and responsible employees, who are fully

acquainted with all of the provisions of the acts, as well as with the requirements of the Commission's order, issued pursuant thereto, are necessary. In many instances penalties have been paid for moving defective equipment when the repairs needed were of minor nature and the time and expense necessary to make them negligible.

The period within which the carriers are required to equip their freight cars to comply with the standards fixed by the Commission's order of March 13, 1911, will expire July 1, 1916. Information being furnished the Commission that approximately 900,000 freight cars still remained, which are either partially or wholly unequipped, and upon the application of the carriers for a further extension of time within which to comply with the provisions of this order the Commission held a hearing on September 28, for the purpose of permitting all persons interested to show cause why a further extension of the period within which common carriers must comply with the order mentioned, should or should not be granted.

JUDICIAL INTERPRETATION OF THE SAFETY APPLIANCE ACTS.

Two very important decisions relating to the power-brake provision of the law with respect to its application to transfer trains were rendered by the Supreme Court of the United States during the past year, viz, *United States* v. *Erie Railroad Co.*, 237 U. S., 402, and *United States* v. *Chicago, Burlington & Quincy Railroad Co.*, 237 U. S., 410. These decisions clearly distinguish between transfer movements and switching operations, it being held that the power-brake provision applies to all trains, while switching operations are not within its scope. These decisions reverse the decisions of the circuit courts of appeals, referred to in the last annual report, and are in accord with the decisions in *Atchison, Topeka & Santa Fe Railway Co.* v. *United States*, 198 Fed., 637; *United States* v. *Pere Marquette Railroad Co.*, 211 Fed., 220; *United States* v. *Grand Trunk Railway Co.*, 203 Fed., 775; *United States* v. *Atlantic Coast Line Railroad Co.*, 214 Fed., 498; *La Mere* v. *Railway Transfer Co.*, 125 Minn., 159; and *Stearns* v. *Chicago, Rock Island & Pacific Railway Co.*, 148 N. W., 128.

The use of hand brakes in controlling the speed of trains on heavy grades while reserving the power brakes to make stops and for emergencies has been held by the Circuit Court of Appeals for the Fourth Circuit in *The Virginian Railway Co.* v. *United States*, 223 Fed., 748, to be in violation of section 1 of the original act of March 2, 1893, as amended. The District Court for the Eastern District of Washington, however, reached a different conclusion in a similar case against the Great Northern Railway Co., which will be carried to the Circuit Court of Appeals for the Ninth Circuit.

The decision of the circuit court of appeals in the *Virginian Railway Case* bears out the contention of the Commission that the purpose of the act is to eliminate the danger resulting from the operation of the hand brakes by employees on the tops of cars in moving trains to the same extent that the automatic-coupler provision is to obviate the danger incurred by employees going in between the cars to couple or uncouple them, the duty imposed by each provision being mandatory and absolute.

The proviso in section 4 of the act of April 14, 1910, giving a carrier the right to haul defective equipment for the purpose of repair under certain circumstances and conditions has been presented to a number of district courts for determination. The District Court for the Southern District of California, in *United States* v. *Atchison, Topeka & Santa Fe Railway Co.*, 220 Fed., 215, being one of the few courts to render a written opinion, held that it will not suffice to interpret the word "necessary" as the substantial equivalent of "convenient," or to hold that it should be qualified by the words "practicably" or "economically."

Attention is again directed to the decisions of the circuit courts of appeals mentioned in the last annual report, involving the construction of this proviso: *United States* v. *Chesapeake & Ohio Railway Co.*, 213 Fed., 748; *United States* v. *Trinity & Brazos Valley Railway Co.*, 211 Fed., 448; and *Chicago, Burlington & Quincy Railroad Co.* v. *United States*, 211 Fed., 12.

The practice on the part of the carriers of hauling trains of "bad order" cars from one repair point to another where cars can be more conveniently and economically repaired has been held not to be such a movement as is permitted by the proviso in section 4 of the 1910 act. In deciding a case against the Pennsylvania Company, the District Court for the Northern District of Ohio held that only one movement is contemplated by the statute; that is, when a car becomes defective upon the line of railroad away from a repair point the only movement of such car that can lawfully be made is from the point of discovery of its defective condition to the nearest available point where it can be repaired.

In another case decided by the same court against the Erie Railroad, involving the movement of defective cars for the purpose of repair in connection with good order cars in commercial use, it was held that, while necessity might have existed for the movement of such defective cars to a place where they could be repaired, the act did not permit the movement complained of. The court construed the words "such movement" to mean "such manner of movement," and that defective cars must be segregated from good order cars and the movement to the repair tracks made without unnecessary switching and handling.

From these opinions construing the proviso it appears that cars which become defective upon a line of road away from a repair point may be hauled to the nearest available point where they can be repaired, but after reaching a repair point they can not be hauled to another or switched about in the yards or otherwise used before the repairs are made.

The Supreme Court of the United States, in *Southern Ry. Co.* v. *Railroad Commission of Indiana*, 236 U. S., 439, quoting its former decision in *Southern Ry. Co.* v. *United States*, 222 U. S., 20, held that if a car transporting freight between points wholly within a state is moving on a railroad engaged in interstate commerce it is subject to the provisions and penalties of the safety appliance act.

The Circuit Court of Appeals for the Ninth Circuit, in *Spokane & I. E. R. Co.* v. *Campbell*, 217 Fed., 518, held that the words "locomotive engines" and "engineer," as used in the Federal act, are broad enough to include an electric motor and the motorman.

HOURS OF SERVICE ACT.

There were transmitted to the several United States attorneys for prosecution during the past fiscal year 125 cases, involving 1,056 counts, of infractions of the hours of service act. Of the cases brought to trial during the year 187 counts resulted in verdicts in favor of and 138 against the Government. The carriers confessed judgment as to 1,189 counts. There were 23 cases involving 428 counts argued before the several circuit courts of appeals, of which 329 counts were decided in favor of and 69 against the Government. Thirty counts are still pending decision.

Of the certified reports of 1,238 carriers filed during the year 819 report that no excess service was either required or permitted upon their respective lines of railroad; the remaining 419 carriers report an aggregate of 78,940 instances of excess service of all classes beyond the statutory periods.

The statistical analysis of these reports shows a marked improvement as compared with former years, the total number of instances of excess service reported being 78,940, which is 86,365 less than the number reported for last year and 222,803 less than for the preceding year. It is believed that the number is still unduly large and that further efforts should be made to avoid the retention of employees on duty beyond the prescribed periods.

Attention is again directed to the fact that great diversity of opinion prevails among the courts as to the proper penalty to be assessed for violation of the hours of service act, penalties ranging from 1 cent to $250 having been assessed in actual cases. The Commission therefore respectfully renews the recommendation made in

previous reports that the penalty "of not to exceed $500" be supplemented by a provision for a minimum penalty of $100.

The number of instances wherein delays causing excess service are attributable to leaky flues, hot boxes, broken drawbars, etc., has been reduced, but the number reported is still unduly large. These conditions are ordinarily to be expected as incidents in train operation and apparently should not be comprehended within the category of excusable delays.

A large number of instances of the practice of requiring the conductor of a train as part of his regular duties to use the telephone to receive and transmit orders upon which the movement of his train is to be determined having been brought to the attention of the Commission, prosecutions for violations of the hours of service act were instituted. The courts have uniformly held that such service was not in violation of the act.

JUDICIAL INTERPRETATION OF THE HOURS OF SERVICE ACT.

No decisions under this act have been rendered by the Supreme Court since the last annual report, but there have been several important decisions by the various circuit courts of appeals.

The courts have uniformly held that the purpose of the hours of service law can not be defeated by requiring employees engaged in or connected with train movements to remain on duty in excess of the statutory period by reason of other requirements of the carriers. In the case of Houston & Texas Central Railroad Co., decided December 14, 1914, not reported, in which the Circuit Court of Appeals for the Fifth Circuit held that an employee who, immediately following 16 hours of service, was required to act as an engine watchman, while so engaged was on duty within the meaning of the act, the Supreme Court denied a petition for a writ of certiorari, 238 U. S., 617. And, in *Receivers of Wabash Railroad Co.* v. *United States*, 220 Fed., 635, where a telegraph operator in a day and night office was required to perform six hours' service in that capacity, followed by five and one-half hours' service as a ticket seller, the Circuit Court of Appeals for the Seventh Circuit held that such combined service beyond nine hours was in violation of the statute.

In United States v. *Cleveland, C., C. & St. L. Ry. Co.*, decided August 13, 1914, by the District Court for the Southern District of Ohio, in *United States* v. *Oregon-Washington R. & N. Co.*, 218 Fed., 925, and in another case against the latter carrier, 213 Fed., 688, it was held that under the provision in the act that " in all prosecutions under this act the common carrier shall be deemed to have had knowledge of all acts of all its officers and agents," the carrier is liable for the statutory penalty where an employee performs service in excess of the prescribed period, though such service was

performed without the actual knowledge of the carrier and contrary to its general instructions. In the last named case, referred to in the last report, the decision of the district court was affirmed by the Circuit Court of Appeals for the Ninth Circuit.

The decisions of the courts are in conflict on the question of whether the hours of service law is broad enough in scope to cover employees in work train service. Thus, in *United States* v. *Chicago, M. & P. S. Ry Co.*, 218 Fed., 701; 219 Fed., 632, the District Court for Idaho held that a train crew in charge of a work train solely engaged in carrying material not interstate in character between two points in the same state was not subject to the act, even though the train was operated over the interstate highway and the material was intended for use in repairing such highway. However, the District Court for Kansas, in *United States* v. *St. Joseph & G. I. Ry. Co.*, decided December 19, 1914, under a similar state of facts, took the contrary view and held that the purpose of Congress was not alone to conserve the safety of those employees actually engaged in the movement of interstate traffic at the time, but comprehended the protection and safety of passengers or coemployees traveling or engaged in interstate commerce from the negligent acts of employees connected with the movement of trains, whether engaged in interstate or intrastate commerce, who, by reason of long continued service and consequent fatigue, might bring disaster to other trains moving over the interstate highway.

It was held in *United States* v. *Chicago & N. W. Ry. Co.*, 219 Fed., 342, that a telegraph operator was not "off duty," within the meaning of the act, during the period of one hour allowed him for each meal, it appearing that the time for meals was not definite and certain, but dependent upon the business of the carrier, and that during such meal hours the operator was subject to call.

The Circuit Court of Appeals for the Ninth Circuit, in *United States* v. *San Pedro, L. A. & S. L. R. Co.*, 220 Fed., 737, held that the proviso in section 3 of the act applies to telegraph operators, and that the excess service of two operators at a certain station for five consecutive days, due to the illness of the third operator, was not unlawful, it appearing that the fourth and fifth days of excess service resulted from the failure of a relief operator to arrive, due to the wrecking of the train on which he was traveling, and his employment at such wreck as an emergency operator.

In construing the proviso in section 3 of the act, the Circuit Court of Appeals for the Ninth Circuit, in the above case and also in the case of *Atchison, T. & S. F. Ry. Co.*, 220 Fed., 748, held that a delay to a train by one of the causes named in that proviso did not remove the application of the act to the employees on such train, nor did it license the carrier to require such employees to continue to operate

their train to the terminal or end of their run, but that the carrier, in order to excuse or justify the excess service of its trainmen in such a case, must show that the service over and above 16 hours was the necessary result of one of the causes named in the proviso.

The Circuit Court of Appeals for the Eighth Circuit, in the case of *Great Northern Ry. Co.*, 218 Fed., 302, construing that proviso, held that "violations of the law in working trainmen overtime can easily be avoided by relieving them, if necessary."

In *United States* v. *Northern Pacific Ry. Co.*, 213 Fed., 64, a train crew was delayed several hours by reason of a wreck clearly unavoidable. After 6 hours' rest at its terminal the crew was permitted again to resume duty, notwithstanding the fact that before they could reach another terminal they would be on duty over 16 hours in the aggregate in that 24-hour period. Owing to the fact that the dispatchers were deeply engrossed in arranging and caring for the movement of a large number of trains, wrecking outfits, and other matters growing out of the wreck, they failed to check the time of the various train crews, including the crew in question. The Circuit Court of Appeals for the Ninth Circuit held that the excess service of the crew was the necessary result of the wreck and therefore not a violation of the act.

Following the decision of the Circuit Court of Appeals for the Eighth Circuit in *Northern Pacific Ry. Co.* v. *United States*, 213 Fed., 162, the Circuit Court of Appeals for the Ninth Circuit, in *Oregon-Washington R. & N. Co.* v. *United States*, on May 3, 1915, held that an honest and inadvertent omission by a carrier from its monthly report to the Interstate Commerce Commission of one or more instances of excess service of employees subject to the act does not subject such carrier to the penalty prescribed by section 20 of the act to regulate commerce. It is to be observed that in the *Northern Pacific case* the Supreme Court of the United States has granted a writ of certiorari, 35 Sup. Ct. Rep., 199.

The Circuit Court of Appeals for the Fifth Circuit, in *United States* v. *Florida E. C. Ry. Co.*, 222 Fed., 33, held that a conductor who is regularly and generally required to use the telephones at way stations where no telegraph operators are maintained, for the purpose of reporting his train and receiving orders from the dispatcher, is not an operator or "other employee," comprehended within the terms of the act, whose hours of service can not exceed 13 hours in any one day.

Decisions to the same effect were rendered in *United States* v. *Chicago, M. & St. P. Ry. Co.*, 219 Fed., 1011, and in another case against the same carrier in the District Court for the Eastern District of Washington, July 10, 1915, not officially reported.

The Circuit Court of Appeals for the Sixth Circuit, in *United States* v. *Grand Rapids & I. Ry. Co.*, 224 Fed., 667, held that two telegraph offices, one of which was operated 17 hours and the other 16½ hours in every 24-hour period, were offices "continuously operated night and day," the operators in which were limited to 9 hours' service in each 24-hour period.

ASH-PAN ACT.

During the fiscal year ended June 30, 1915, one case involving four violations of the ash-pan act was transmitted by the Commission for prosecution. Defendants confessed judgment as to one count.

The carriers subject to this act have equipped practically all of their locomotives as contemplated by the statute.

MEDALS OF HONOR.

The investigation of applications for medals of honor, under the act of February 23, 1905, has been continued. This act authorizes the President to bestow bronze medals of honor upon persons who, by extreme daring, endanger their own lives in saving, or endeavoring to save, lives from any wreck, disaster, or grave accident, or in preventing or endeavoring to prevent such wreck, disaster, or grave accident, upon any railroad within the United States engaged in interstate commerce. Under date of April 22, 1913, amended regulations governing the award of medals of honor were issued.

Since the passage of this act 25 applications for medals have been filed, and of this number 17 have been approved and medals awarded, and 8 have been denied. During the past fiscal year three medals have been awarded; the names of persons to whom medals were awarded in these three cases, and brief statements of the circumstances in each case, will appear in the report of the chief of the division of safety.

INVESTIGATION OF ACCIDENTS.

Sixty-six train accidents, resulting in 165 deaths and 1,086 injuries to persons, were investigated by the Commission during the year ended June 30, 1915. Forty of these accidents were derailments and 26 were collisions. The derailments investigated caused 77 deaths and 571 injuries, and the collisions 88 deaths and 515 injuries, to persons. Eight of the collisions occurred under the block system, and 15 under the time interval system of train operation; in three of the collisions investigated the method of train operation was not a factor.

It is somewhat significant of an apparently altered condition affecting the safety of railway travel that a majority of the accidents which the Commission has investigated during the year under con-

sideration were derailments, in this respect completely reversing the trend which has prevailed since the beginning of the accident investigation work.

It is particularly gratifying to be able to note a decrease in the number of collisions. Such accidents almost invariably involve error or dereliction of duty on the part of employees, and a reduction in their number seems to indicate improvement in the morale and discipline of the train service personnel. Speaking generally, it is believed that such improvement has been due largely to the persistent educational work of the safety committees, which are now prominent features of the operating organizations of many roads, and to the public investigations of accidents. The publicity given to bad operating conditions which were disclosed by the Commission's investigations has also had an important influence in bringing about the improvement noted.

While general conditions affecting the causes of collisions have been much improved, individual instances of unsafe operating methods and violation of rules are still too numerous. On some roads exceedingly bad operating conditions have been found to exist.

As noted in previous reports of the Commission, there is need of legislation requiring the standardization of operating rules. The standard rules promulgated by the American Railway Association are not uniformly observed by the railroads, and that association has no power to compel their observance. Safety of railway travel demands uniformity in the codification and application of rules relating to the operation of trains, and this can only be secured through Federal legislation.

The more numerous train accidents now occurring are derailments, in which class of accidents there has been both an absolute and relative increase during the past seven years. In 1902, the first year of operation of the accident report law, there were 8,675 train accidents reported, of which number 5,042 were collisions and 3,633 were derailments. Collisions continued to outnumber derailments in subsequent years until 1908, in which year the derailments were slightly in excess of the collisions. Since that year derailments have continued to gain, both absolutely and relatively, until they now outnumber collisions almost 2 to 1, the figures for 1915 being 3,538 collisions and 6,849 derailments.

Of the 40 derailments investigated during the year 11 were caused by bad track. There were 10 persons killed and 168 injured in these 11 derailments. In previous reports the Commission has called attention to the unduly large number of accidents of this nature. Track conditions which are unsafe for the operation of trains at the rate of speed permitted are too common. In several of the derailments investigated the track conditions were found to be so bad as to

be actually unsafe for the passage of trains even at moderate speed, yet no special speed restrictions were in force, and it was common practice for trains to be operated at unsafe speed over such track.

The Commission's investigation of accidents caused by broken rails and fractured car wheels emphasizes the need of information of a definite character as to the physical properties of rails, wheels, and other materials used in the track and equipment, and the strains and stresses which they are required to sustain in service. The specific causes which are responsible for certain types of rail failures have been traced to well defined conditions which prevailed in the ingot. The presence of other insidious and dangerous defects frequently occurring in certain grades of steel has led to a wide discussion concerning their cause, opinion being divided as to whether the process of manufacture or service conditions in which high wheel loads and hard steel play a controlling part is the cause of their appearance. The remarkable increase in speed and weight of trains in recent years confirms the necessity for further investigation to determine with accuracy the stresses to which equipment and track are subjected under present service conditions in order to establish safe working limits for their use.

Derailments caused by malicious tampering with track or switches are becoming numerous enough to furnish a cause for alarm. Six accidents of this nature occurred during the year. They caused the death of 20 and the injury of 92 persons. It is difficult to suggest preventive measures for accidents of this nature. The problem is one that seems closely related to the question of trespassing. Better policing of railway tracks and a rigid enforcement of laws against trespassing suggest themselves as remedies. The use of electric track circuits also affords a method of detecting an open switch or a break in the running rails of the track.

INVESTIGATION OF SAFETY DEVICES.

During the past fiscal year the investigation of appliances intended to promote the safety of railroad operation, as directed by the act of October 22, 1913, has been continued, and experimental tests of two automatic train control devices have been conducted and reports thereon submitted to the Congress. Another automatic train control system has been tested, but the tests were not completed before the end of the fiscal year, and arrangements have been made for conducting tests of an automatic train control system and an automatic straight air brake system.

On June 30, 1915, plans of 418 devices had been presented for consideration; of this number, 342 had been examined and opinions regarding the devices transmitted to the proprietors. Of the number of plans examined, 251 were so impracticable or crude that they

were considered practically worthless; 25 possessed meritorious features, but as a whole required further development before being entitled to serious consideration; 31 were not intended primarily to increase safety and would not affect the safety of railroad operation sufficiently to warrant further consideration; and 35 were considered to possess merit from the standpoint of safety. Experimental tests of certain of these latter devices are desirable to determine their practical utility. Detailed information regarding the examination of these devices is contained in the separately published report of the chief of the division of safety.

A tabulation of statistics pertaining to block signals, interlocking plants, and the telegraph and telephone for transmission of train orders, as used on the railroads of the United States, was published by the Commission under date of January 1, 1915. As shown therein, the total length of railroad line operated under the block system at that time was 96,608.6 miles. The increase during the year 1914 was 9,871.7 miles.

While there has been an increase from year to year in the miles of road operated by the block system, this increase has not kept pace with operating conditions created by increased traffic. The superiority of the block system as compared with the time interval system of train operation is no longer debatable. The amount of apparatus required and the rules and practices necessary to be followed to render the block system adequate for any railroad depend upon traffic and operating conditions. On many lines where traffic is light, a simple form of manual block system, with proper rules, is adequate; on busy lines, controlled manual or automatic block signal apparatus, together with the enforcement of proper rules and practices, is necessary to provide adequate protection.

DIVISION OF LOCOMOTIVE BOILER INSPECTION.

The work of the division of locomotive boiler inspection during the year ended June 30, 1915, a detailed report of which is published separately, has been substantially the same in character as the work of that division in previous years.

The tables given below show in concrete form the number of locomotives inspected, the number and percentage found defective, and the number ordered out of service on account of not meeting the requirements of the law, during each of the four years the law has been in force.

They also show the total number of accidents due to failure from any cause of locomotive boilers or their appurtenances and the number killed or injured thereby, with the percentage of decrease each year since the law became effective, also the total decrease during that period.

The data contained therein reflect the work performed and explanation thereof or comment thereon seem not to be necessary.

Locomotives inspected, number found defective, and number ordered out of service.

	1915	1914	1913	1912
Number of locomotives inspected	73,443	92,716	90,346	74,234
Number found defective	32,666	49,137	54,522	48,763
Percentage found defective	44.4	52.9	60.3	65.7
Number ordered out of service	2,027	3,365	4,676	3,377

Number of accidents, number killed, and number injured, with percentage of decrease.

	1915	1914	1913	1912
Number of accidents	424	555	820	858
Decrease from previous year, per cent	23.6	32.3	4.2	.....
Decrease from 1912, do	50.5	.....	.....	.....
Number killed	13	23	36	91
Decrease from previous year, per cent	43.5	36.1	60.4	.....
Decrease from 1912, do	85.7	.....	.....	.....
Number injured	467	614	911	1,005
Decrease from previous year, per cent	24.0	32.6	9.3	.....
Decrease from 1912, do	53.5	.....	.....	.....

All accidents reported to this division have been carefully investigated, the cause determined when possible, and the information thus obtained given to the carriers to be used in preventing similar accidents.

Prompt and proper accident reports materially assist in the work of investigation and reduce the delay to equipment, and as carriers now fully understand the requirements in this respect such reports, with rare exceptions, are properly made.

The number of applications for an extension of time for the removal of flues as provided in rule 10 has increased over the previous year, and this has materially added to the work of the division, as such extensions are granted only after a special inspection of the locomotive has been made. During the year 1,099 applications for extension of time for removal of flues were filed by 284 carriers; of this number 638, or 58 per cent, were granted; 461, or 42 per cent, were refused, or granted only after defects disclosed by inspection had been properly repaired.

It is to be presumed that carriers desire to properly maintain their locomotives, therefore an application for an extension of time for removal of flues from a locomotive which is found on examination to be defective indicates that the railroad company's inspectors have not discovered the defective conditions.

Alteration reports which are being filed showing reinforcement of boilers which have a factor of safety below the standard fixed by

the order of the Commission dated June 9, 1914, indicate that diligent efforts are being made by the carriers to meet the requirements of that order, and with a few exceptions very satisfactory progress is being made.

The act of March 4, 1915, amending the locomotive boiler inspection law by extending its provisions to include the entire locomotive and tender and all their parts has presented additional and important problems, and will materially increase the work of this division.

The preparation of rules fixing minimum limits for all parts of locomotives and tenders so that the requirements might be definite has been diligently pursued and is progressing as rapidly as the necessity for accuracy will permit.

Very satisfactory progress is being made in arranging the work of the division so that the additional duties imposed by the law may be properly performed. This will probably make it necessary for the inspectors to follow more closely the requirements of section 6 of the law, which provides that their "first duty shall be to see that the carriers make inspections in accordance with the rules and regulations established or approved by the Interstate Commerce Commission, and that carriers repair the defects which such inspections disclose" before the locomotives are again put in service, and may result in eliminating reports to railroad officials of minor defects discovered by the inspectors which for the benefit of the carriers have been directed to their attention.

No formal appeal from the decision of inspectors, as provided in section 6 of the law, have been filed during the year. In one instance an appeal was filed from the findings of inspectors in an accident investigation. Reinvestigation by an assistant chief inspector, assisted by inspectors from other districts, not only sustained the original report but disclosed additional evidence in support thereof.

During the year 2,130 defective parts of locomotives not covered by the boiler inspection law, almost all of which were defective wheels, were reported to this division by inspectors and directed to the attention of the railroad officials, with request that proper repairs be made before the locomotives were put in service. Such matters are now covered by the amended law and will be handled in accordance therewith.

DIVISION OF VALUATION.

The last report stated that eight roadway and track parties had been organized in each of the five districts into which the country has been divided for the purpose of valuation work and that the total mileage covered was from 1,500 to 1,700 miles per month. It was further stated that the number of parties would probably be increased to 16 or 20. It was believed that the overhead organiza-

tion should handle approximately 50,000 miles per year and that this number of parties would be required to accomplish that mileage.

In fact, the number of parties was gradually increased from 8 to 12. Since the 1st of last June 12 parties have been continuously at work in each district. The mileage actually shown for the months of June, July, August, September, and October has slightly exceeded an average of 4,000 miles per month. It is believed that with this number of parties the same average can be maintained, except for the month of December, when the field men are given two weeks' annual leave and the forces are largely engaged in moving from northern to southern localities. This will give a mileage of from 45,000 to 50,000 miles per annum. By January 1, 1916, surveys will have been completed upon nearly 50,000 miles of road. There are in the United States about 250,000 miles, so that with the beginning of the next year there will remain approximately 200,000 miles for survey, and this should be substantially covered in the four years following by 12 parties in each district. It is doubtful if under the present organization work can be prosecuted more rapidly than it is now proceeding.

In addition to these roadway parties, special field parties are organized for handling bridges, buildings, signal apparatus, and equipment, for which peculiar expert knowledge is needed. At first some difficulty was experienced in adjusting these special forces to the progress of the roadway and track work, and in certain sections this special work fell behind; but that has been remedied, and the engineering work in the field is being carried forward at an equal rate in all sections.

When these field observations have been taken they must be reduced to such form that unit prices can be applied. This consists of computing and bringing together quantities of the same kind, as grading, rails, culverts, etc., and placing the quantities upon what is termed a "pricing sheet." This pricing sheet contains the quantities to which unit prices are to be applied and also the service condition per cent; that is, the part of the useful life of an article still remaining in its present use from which depreciation is computed.

Considerable time and experiment were required to establish the proper system and organize the proper forces for computing and collecting these field notes. At the present time this branch of the work is well in hand. Each month substantially as many miles are placed upon the pricing sheets as are covered by the parties in the field. This does not mean, however, that all the mileage surveyed has been assembled. There must always intervene a considerable period between the making of the survey in the field and the final assembly of quantities in the office.

Carbon copies of the field notes are furnished to the carriers under an agreement that unless objection is made within 60 days the field notes shall be taken as correct. The purpose of this is to obtain an inventory about which as little dispute as possible can arise. If carriers state their objections at the time, those objections can be investigated on the spot and frequently adjusted. In point of fact objections are made, discussed, and to a considerable extent eliminated in the field.

Railroad systems will ordinarily be inventoried as a whole, and no report as to any part of the system can be made until the entire mileage has been finished. This means that a considerable time must ordinarily elapse before a completed result can be announced with respect to any system of considerable extent. The Chicago, Rock Island & Pacific furnishes an illustration. It is desirable that a given system should be entirely handled by the force of a single district, even though its lines may extend outside the territorial limits of that district, as confusion may arise if an attempt is made to divide the records of a company between two or more different offices. The Chicago, Rock Island & Pacific is being handled entirely by the western district. Work was first begun upon this system in November, 1914. During the summer the entire force of the western district has been concentrated upon this property. Its mileage is about 7,500 miles, and the surveys will be substantially completed before January 1, 1916, but there will still remain some two or three hundred miles in the south which can not well be handled until the field parties are moved from the north upon the advent of winter weather. Since only one or two parties can be profitably worked upon this remaining mileage, surveys upon this system will not be actually completed before March, 1916. It will be seen, therefore, that although it has been possible to direct the whole force of a given district toward this property during most of the time, nevertheless about 16 months will be required to complete the surveys, and further time will be required to place the quantities upon the pricing sheets.

Still further, it should be noted that the Chicago, Rock Island & Pacific does not present an entirely fair illustration of usual conditions in this, that while always desirable it is seldom possible to direct the entire force in a given district to a single property. Before work can properly begin the carrier must furnish certain preinventory information, such as maps, plans, etc. Some carriers already have this information; other carriers must compile it. Carriers are required to furnish with each of the roadway and track parties a pilot who can point out the property to be inventoried and make any statement as to hidden quantities for which the carrier will subsequently make claim. It is considered highly important that this man should accompany the parties, so that it may

be known at the time precisely what contentions the carrier makes. Some delay has occurred to enable the carrier to secure the proper person and inform him with respect to the section of road which he is to cover.

It has been felt necessary to accommodate the work to the actual situation, with the result that the forces are divided among many systems. During the past season in New England, where railroads were constructed long ago and where preinventory information is difficult to obtain, work has been prosecuted upon the Boston & Maine, the New York, New Haven & Hartford, the Boston & Albany, and to some extent upon the Maine Central and Bangor & Aroostook. Surveys upon the Boston & Maine will be completed this year, but not upon any other of these systems.

The work can not proceed to advantage when the ground is covered with snow, nor when it is frozen to a considerable depth, and it is therefore found necessary to discontinue work in the north and proceed to the south with the coming of cold weather. In New England all work must be stopped about December 1, not to be resumed for the next four months, when it will be necessary to interrupt work in the south and proceed again to the north; and this happens in every district.

All this is referred to for the purpose of making it plain that while the work on the whole is proceeding at a satisfactory rate of progress, work upon particular railroads is not finished. Those properties referred to in the last annual report as having been selected for initial work were completed last spring and preliminary prices were applied. In each district data for several other comparatively short roads have been collected and are ready for the application of prices, but for no large systems have the pricing sheets been completed for the reasons above stated.

Except for the tentative prices applied to the roads so selected for initial valuation no attempt has been made to fix prices. It is manifestly of first importance that correct prices should be applied, and the Commission has not felt up to the present time that the information before it was sufficient.

In the determination of prices the two principal sources of information are the market prices and those actually paid by the carriers. By market price is meant the price at which dealers profess to sell. Such prices can be obtained from catalogues, quotations, correspondence, and personal investigation. The Commission has collected and is collecting in all these ways a great mass of information which is being arranged and classified. While these facts will be of assistance in finally establishing a just price, it is apparent that they can not be alone relied upon. The prices thus obtained are not those

which would be paid by an actual purchaser if a railroad were under construction.

In applying the test of actual cost, however, it would not be proper to use the prices ascertained from the experience of a single railroad. In this view carriers have been required to furnish information as to prices actually paid for the various items, including labor, which enter into the construction of a railroad. Most of these figures have been received and are being tabulated.

But the figures so furnished should not be relied upon without examination of the records of the carriers. Accountants in each district make such examination and obtain much additional information of different kinds with respect to cost of construction. Since, however, the prices obtained from a single property are not sufficient, it will not be possible to reach a just and certain conclusion until these accounting investigations have been extended to an adequate number of railroads in each section.

There is still another reason why it has seemed best to defer for the immediate present any attempt to put an actual money value upon the inventories which are being prepared. It seems to be universally conceded that in addition to the amounts obtained by the application of unit prices to the quantities shown upon the inventory, certain additions, commonly known as overhead charges, must be made. These items are of significance and no opinion should be expressed upon them without the fullest possible information. Here, again, an examination of the accounts of carriers for the purpose of ascertaining what these items have actually amounted to in the past is of first importance, nor would it be safe to accept the result obtained from one or even from several carriers.

For the above reasons the Commission has believed that it was wise to defer the application of prices and the final statement in dollars of the cost of reproduction new, and the cost of reproduction new less depreciation, until such information was available as would permit the formation of a reliable opinion. It should be noted that this will not involve delay in the final completion of the work, since as soon as the application of prices can be properly begun the work can be speedily brought up.

LAND.

The lands and rights of way of a railroad make up a considerable part of its total property, and one of the important duties of the Commission under the valuation act is to report the original cost and present value of these lands and rights of way. The land forces were organized later than the engineering forces, but that organization has been perfected, and this branch of the work is moving smoothly and efficiently.

Up to the present time the mileage canvassed by the land forces has never equaled that of the engineers. For the months of August, September, and October the average of the land men was about 2,500 miles per month, as compared with 4,000 miles by the engineers. This, however, has been due in part to inability to obtain suitable land appraisers through civil service channels. New examinations have been held and new lists of eligibles are just being established. When these are open additional appraisers will be appointed and the rate of progress at once brought up to that of the engineering section.

It should be observed, however, that the land work is not necessarily behind the engineering work because the same amount of mileage has not been covered by that force, for the reason that while a considerable time must elapse, as already explained, between the survey of the engineer in the field and the final application of the price in the office, the land man virtually completes his work when his examination is finished.

ACCOUNTING.

The accounting section has been fully organized and a considerable force of accountants is now at work gathering the information called for by the valuation act, being mainly employed upon the accounts of those carriers which are under valuation by the engineering section.

Experience indicates that it will be possible to obtain with reasonable certainty those facts called for with respect to the corporate and financial history of the carrier, but that it will not be possible in all instances to give the original cost "in detail as to each piece of property" as called for by the act. It has often happened in the building of a railroad that securities have been issued for construction work and that no actual money payment has entered into the transaction; improvements and additions have sometimes been made out of operating expenses and capital has in other instances been devoted to operation, and in such cases it is not as a rule possible to rewrite the books as they should be; but broadly speaking, it can usually be determined how much money has gone into the railroad; it will not be possible to give the cost of each item of property now in existence owing to the fact that until recently the books of carriers have not been kept in such a way as to permit the ascertainment of this fact. This can be done in case of recent construction, whether of additions or extensions to old lines or the building of new lines; and the cost of many important structures of earlier dates can be shown.

The original cost of equipment can generally be ascertained, although where this equipment has been improved or otherwise added to it is usually difficult to allocate the cost of the improvement.

The price paid for lands can usually, although by no means universally, be determined.

Original costs are being collected and will be reported wherever this can be done.

TELEGRAPH AND TELEPHONE.

A section has been organized for the valuation of telegraph and telephone lines falling under the valuation act and work has been begun. Five parties have been organized and are now in the field in each district, and a corresponding office force has been employed.

These parties cover a total pole line mileage of approximately 6,000 miles per month. It would be desirable to increase the number of these parties, but up to the present time it has not been possible to obtain the necessary preinventory information from the telegraph companies which would make possible higher rate of progress. Neither the Western Union Telegraph Company nor the Postal Telegraph-Cable Company has definite information as to the location of the greater part of its line.

Nothing has yet been done upon telephone lines except those lines which are owned by railroads under valuation, and it is not in contemplation to begin telephone work proper until the telegraph work is further advanced.

DIVISION OF INDICES.

During the year ended October 31, 1915, there have been made the usual tables of cases reported, cited, localities, commodities, and indexes for unreported opinions numbers A–768 to A–1064 of the mimeographed series and Nos. 1817 to 2179 of the printed series, and volumes 32, 33, 34, and 35 of the reported opinions of the Commission. There have also been indexed all the current state and federal decisions on commerce.

Special work has been prosecuted at the request of the Senate in indexing Senate Document No. 543, containing the evidence and report of the Commission in the *New Haven case*, and Senate Document No. 466, containing the testimony and exhibits in the *Five Per Cent case.*

There has been compiled by the division and printed a pamphlet giving a history of all Interstate Commerce Commission cases in the federal courts; and annotations through volume 31, showing the Commission's citations of its own cases. There have been prepared for printing a supplement to our table of cases and opinions analyzed from volume 29 through 35, and a supplement to the list of commodities and localities in all opinions, volume 24 to 35, inclusive.

LIBRARY.

On November 3, 1914, the services of an expert cataloguer were secured, whose time has been devoted almost exclusively to recataloguing the library in accordance with the methods employed by the Library of Congress. Printed catalogue cards are secured from the Library of Congress in sufficient quantities to insure the proper cataloguing of each book and pamphlet according to author, subject, and title. When this work is completed the card catalogue will be a complete digest of all the material in the library. Up to July 1, 1915, the entire miscellaneous collection of books on transportation had been catalogued.

In round numbers the library has 13,000 bound volumes and 10,000 pamphlets, exclusive of books and pamphlets in the various divisions. In addition to works on transportation, the library has a law collection consisting of the standard sets of federal and state decisions, digests, statutes, encyclopedias, and treatises.

HEARINGS HELD IN PORTO RICO.

During the past year two hearings were held at San Juan, Porto Rico. Besides the formal hearing in regard to safety appliances, referred to below, an informal hearing was held for the purpose of developing the transportation conditions peculiar to the island. Much information was obtained which will be of value if the common carriers of Porto Rico are to remain subject to the act to regulate commerce and kindred acts. Whether it is advisable to leave with the Commission the duty of enforcing these acts in our insular possessions is a question for the Congress which can best be answered by experience. At present the jurisdiction of the Commission apparently extends to Hawaii as well as to Porto Rico, but not to the Philippine Islands.

SAFETY APPLIANCES ON EQUIPMENT OF RAILROADS IN PORTO RICO.

Prior to the decision of the Supreme Court in *American R. R. of Porto Rico* v. *Didricksen*, 227 U. S., 145, it was not considered that the provisions of the safety appliance acts were applicable to common carriers by railroad in Porto Rico, the general understanding being that the Territories referred to in those acts were those included within the Territorial limits of the United States. Upon the announcement in the *Didricksen case* that those acts extend to Porto Rico, the Commission entered upon an investigation regarding safety appliances on equipment of railroads in Porto Rico.

From this investigation it appears that while a majority of the cars used in all classes of traffic have grab irons and automatic couplers, few are equipped with power brakes.

The transportation is chiefly of sugar cane. Many of the cars used in hauling this commodity are of the four-wheel type. It is principally with regard to cane cars that the carriers fail to observe the requirements of the safety appliance acts.

At the hearings no reasons were given why the carriers should not be compelled to equip all their cars with automatic couplers and grab irons, but it was strongly urged that equipment used exclusively for cane traffic should be excepted from those provisions of the safety appliance acts which require the use of power brakes.

Cane is hauled almost entirely at night and at a low rate of speed, with frequent stops. The cane trains are operated for about six months during the year, from December to June.

It would seem that the cars and locomotives of common carriers by railroad in Porto Rico should be made to comply as speedily as possible with all the requirements of the safety appliance acts, except that such cars used in trains exclusively for the transportation of cane might well be excepted from the provisions of those acts relating to power brakes. In this connection attention might be directed to the exemption in those acts in favor of equipment used exclusively for the transportation of logs.

RECOMMENDATIONS.

The variety and volume of the work already devolved upon the Commission necessitate, in its opinion, early enlargement of its membership and express statutory power to act through subdivisions designated by the Commission to perform its duties with regard to specified subjects or features of its work, subject, of course, to retention by the Commission of its control, as a Commission, of all duties and powers delegated to the Commission. This recommendation is submitted pending, and without prejudice to, deliberation appropriate to more comprehensive and constructive legislation which the Congress may later deem it wise to consider. The recommendation for enlargement of the membership of the Commission is directly connected with and dependent upon the authority to act through subdivisions.

Trains composed of cars exclusively used for the transportation of sugar cane on common carrier railroads in Porto Rico should be excepted from the provisions of the safety appliance acts relating to power brakes.

For the reasons stated in previous annual reports the Commission renews its recommendations to the effect—

That, for the purpose of uniformity and to prevent injustice, there should be provided by law one period, which in the Commission's opinion should be three years, for the beginning of all actions relating to transportation charges subject to the act.

That that portion of section 20 of the act which accords the Commission right of access to the accounts, records, and memoranda kept by carriers be amended so as to also accord right of access to the carriers' correspondence files.

That there should be appropriate and adequate legislation upon the subject of control over railway capitalization.

That, in the interests of economy and efficiency and proper protection for records, the Commission be authorized to enter into a lease arrangement, covering a term of years, for suitable quarters, which can thus be secured through the construction of a building for that purpose.

That the minimum penalty for violation of the hours of service act be fixed at $100.

That the use of steel cars in passenger train service be required, and that the use in passenger trains of wooden cars between or in front of steel cars be prohibited.

STATEMENT OF APPROPRIATIONS AND AGGREGATE EXPENDITURES FOR THE INTERSTATE COMMERCE COMMISSION FOR THE FISCAL YEAR ENDED JUNE 30, 1915.

Sundry civil act Aug. 1, 1914—For salaries of commissioners	$70,000.00	
For salary of secretary	5,000.00	
		$75,000.00
Sunday civil act Aug. 1, 1914—Deficiency act Mar. 4, 1915—For all other authorized expenditures necessary in the execution of laws to regulate commerce		1,010,000.00
Sundry civil act Aug. 1, 1914—To further enable the Interstate Commerce Commission to enforce compliance with section 20 of the act to regulate commerce as amended by the act approved June 29, 1906, including the employment of necessary special agents or examiners		300,000.00
Sundry civil act Aug. 1, 1914—For the payment of all authorized expenditures under the provisions of the act of Feb. 17, 1911, "To promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto"		220,000.00
Sundry civil act Aug. 1, 1914—To enable the Interstate Commerce Commission to keep informed regarding compliance with acts to promote the safety of employees and travelers upon railroads, investigation and testing of block-signal and train-control systems and the investigation of hours of service, including the employment of inspectors		245,000.00
Sundry civil act Aug. 1, 1914—Deficiency act Mar. 4, 1915—To enable the Interstate Commerce Commission to carry out the objects of the act approved Mar. 1, 1913, providing for a valuation of the several classes of property of carriers		2,300,000.00
Total		4,150,000.00

Amounts expended under appropriations for the fiscal year ended June 30, 1915:		
As salaries to commissioners and secretary	$74,277.78	
All other authorized expenditures	998,833.07	
Examination of accounts, act approved June 29, 1906	296,978.31	
Locomotive boiler inspection, act approved Feb. 17, 1911	208,393.70	
Safety appliance, block signal, and hours of service	223,517.58	
Valuation	2,131,924.74	
		3,933,925.18
Unexpended balance of appropriations, June 30, 1915:		
Salary of commissioners	722.22	
All other authorized expenditures from general appropriation	11,166.93	
Examination of accounts, act approved June 29, 1906	3,021.69	
Locomotive boiler inspection, act approved Feb. 17, 1911	11,606.30	
Safety appliance, block signal, and hours of service	21,482.42	
Valuation	168,075.20	
		216,074.82
Total		4,150,000.00

As stated, a detailed statement showing the names of employees and expenditures for the fiscal year ended June 30, 1915, constitutes Part II of this report.

Charles C. McChord.
Judson C. Clements.
Edgar E. Clark.
James S. Harlan.
Balthasar H. Meyer.
Henry C. Hall.
Winthrop M. Daniels.

APPENDIX A.

INDICTMENTS RETURNED AND CASES CONCLUDED.

SUMMARY OF INDICTMENTS RETURNED BETWEEN NOVEMBER 1, 1914, AND OCTOBER 31, 1915, INCLUSIVE, FOR VIOLATIONS OF THE ACT TO REGULATE COMMERCE AND THE ELKINS ACT.

SUMMARY OF CASES ARISING FROM VIOLATIONS OF ABOVE ACTS CONCLUDED BETWEEN NOVEMBER 1, 1914, AND OCTOBER 31, 1915, INCLUSIVE, AND FINES ASSESSED.

SUMMARY OF INDICTMENTS RETURNED BETWEEN NOVEMBER 1, 1914, AND OCTOBER 31, 1915, INCLUSIVE.

1. United States *v.* American Gas Machine Co., district court, Minnesota, November 6, 1914, indictment charging presentation of false claims; 1 count.
2. United States *v.* Art Shade Co., district court, northern Illinois, November 6, 1914, indictment charging false billing; 10 counts.
3. United States *v.* Fred C. Boorman, C. Wickham Parker, and Albert H. Nelson, trading under the name of Interstate & Continental Freight Traffic Bureau, district court, northern Illinois, July 12, 1915, indictment charging presentation of false claims; 25 counts.
4. United States *v.* Capewell Horse Nail Co., district court, eastern Michigan, November 6, 1914, indictment charging false billing; 15 counts.
5. United States *v.* Central Railroad Co. of New Jersey, district court, New Jersey, November 27, 1914, indictment charging grant of concessions and rebates to the Lehigh Coal & Navigation Co.; 200 counts.
6. United States *v.* Chicago & Alton Railway Co., district court, northern Illinois, November 6, 1914, indictment charging failure strictly to observe published tariffs; 1 count.
7. United States *v.* Chicago Spring Butt Co., district court, northern Illinois, November 6, 1914, indictment charging false billing; 10 counts.
8. United States *v.* Chicago, Terre Haute & Southeastern Ry. Co., district court, northern Illinois, December 9, 1914, indictment charging violation of commodities clause; 3 counts.
9. United States *v.* Clarke Bros. & Co., district court, southern Illinois, November 21, 1914, indictment charging false billing; 5 counts.
10. United States *v.* Clarke Bros. & Co., district court, southern Illinois, November 21, 1914, indictment charging false billing; 9 counts.
11. United States *v.* Clarke Bros. & Co., district court, southern Illinois, November 21, 1914, indictment charging false billing; 18 counts.
12. United States *v.* Connor Lumber & Land Co., district court, eastern Wisconsin, November 14, 1914, indictment charging false billing; 10 counts.
13. United States *v.* Connor Lumber & Land Co., district court, eastern Wisconsin, November 14, 1914, indictment charging receipt of concessions from the Laona & Northern Railroad Co.; 5 counts.
14. United States *v.* John H. Davis, president; Roy Campbell, sales manager; and Arch McFarland, traffic manager, Southern Texas Truck Growers Association, district court, southern Texas, October 17, 1915, indictment charging conspiracy to violate the Elkins Act.
15. United States *v.* Davidson Bros. Co., district court, eastern Missouri, April 14, 1915, indictment charging presentation of false claims; 5 counts.
16. United States *v.* J. F. Dollard, commercial agent, M., K. & T. Ry. Co., district court, southern Texas, March 8, 1915, indictment charging failure strictly to observe published tariffs; 6 counts.
17. United States *v.* Delaware, Lackawanna & Western Railroad Co., district court, New York, October 4, 1915, indictment charging grant of concessions to the Delaware, Lackawanna & Western Coal Co.; 10 counts, and for failure to observe demurrage tariffs, 10 counts.
18. United States *v.* Erie Railroad Co. and the Delaware & Hudson Co., district court, northern Ohio, May 27, 1915, indictment charging receipt of compensation for transportation at less than the published rates; 1 count.
19. United States *v.* Erie Railroad Co., district court, northern New York, March 24, 1915. indictment charging grant of rebates to the Globe Elevator Co.; 10 counts.
20. United States *v.* Forked Deer Milling Co., district court, western Tennessee, November 27, 1914, indictment charging false billing and accepting concessions; 6 counts.
21. United States *v.* Franklin Joe Fresher, district court, Oregon, January 9, 1915, indictment charging unlawful use of interstate pass.

22. United States *v.* Gerlach Live Stock Co. and W. H. Lyon, secretary, district court, northern California, May 15, 1915, joint indictment charging false billing; 1 count.

23. United States *v.* Joseph Goldsleger, district court, middle Pennsylvania, June 17, 1915, indictment charging presentation of false claims; 1 count.

24. United States *v.* M. H. Gunther and George F. Gunther, trading as M. H. Gunther & Co., district court, northern Mississippi, April 8, 1915, indictment charging false billing; 8 counts.

25. United States *v.* W. A. Halbert, W. B. Hooper, and George F. Graham, trading as W. A. Halbert & Co., district court, northern Mississippi, April 8 1915, indictment charging false billing; 6 counts.

26. United States *v.* Hecht & Campe (Inc.), district court, southern Georgia, November 23, 1914, indictment charging receipt of concessions; 3 counts.

27. United States *v.* Hecht & Campe (Inc.), district court, southern Georgia, November 23, 1914, indictment charging false billing; 4 counts.

28. United States *v.* Irving Pitt Manufacturing Co., district court, western Missouri, November 12, 1914, indictment charging false billing; 10 counts.

29. United States *v.* Jefferson Wood Working Co., district court, western Kentucky, March 13, 1915, indictment charging false billing; 6 counts.

30. United States *v.* Jefferson Wood Working Co., district court, western Kentucky, March 13, 1915, indictment charging false billing; 5 counts.

31. United States *v.* John A. Johnson, district court, eastern Missouri, May 7, 1915, indictment charging falsification of records kept by a common carrier; 10 counts.

32. United States *v.* Bob. Johnson et al., district court, eastern Georgia, February 3, 1915, indictment charging unlawful use of interstate passes.

33. United States *v.* Kellum Coffee & Mfg. Co., district court, western Missouri, November 12, 1914, indictment charging false billing; 10 counts.

34. United States *v.* Laser Grain Co., district court, western Missouri, April 10, 1915, indictment charging presentation of false claims; 4 counts.

35. United States *v.* Laona & Northern Ry. Co., district court, eastern Wisconsin, November 14, 1914, indictment charging grant of concessions to the Connor Lumber & Land Co.; 5 counts.

36. United States *v.* J. E. Latham & Co., corporation, district court, northern Mississippi, April 8, 1915, indictment charging false billing; 2 counts.

37. United States *v.* Lehigh Coal & Navigation Co., district court, New Jersey, April 26, 1915, indictment charging receipt of concessions from the Central Railroad Co. of New Jersey; 30 counts.

38. United States *v.* Louisville & Nashville R. R. Co., district court, eastern Louisiana, December 5, 1914, indictment charging failure strictly to observe its published tariffs; 5 counts.

39. United States *v.* Louisville & Nashville R. R. Co., district court, eastern Louisiana, December 5, 1914, indictment charging grant of concessions; 3 counts.

40. United States *v.* Louisville & Nashville R. R. Co., district court, northern Florida, March 24, 1915, indictment charging failure strictly to observe published tariffs; 10 counts.

41. United States *v.* J. J. Lowery, Eugene Atkinson, and Hugh Atkinson, trading as Atkinson & Lowery, district court, northern Mississippi, April 8, 1915, indictment charging false billing; 3 counts.

42. United States *v.* R. G. McCants Cotton Co., corporation, district court, northern Mississippi, April 8, 1915, indictment charging false billing; 4 counts.

43. United States *v.* Missouri, Kansas & Texas Ry. Co., district court, southern Texas, March 8, 1915, indictment charging failure strictly to observe its published tariffs; 7 counts.

44. United States *v.* Missouri, Kansas & Texas Ry. Co. and Missouri, Kansas & Texas Ry. of Texas, district court, southern Texas, October 30, 1915, indictment charging grant of concessions to G. A. Stowers Furniture Co.; 3 counts.

45. United States *v.* Joseph Newburger and Edwin Newburger, trading as Newburger Cotton Co., district court, northern Mississippi, April 8, 1915, indictment charging false billing; 8 counts.

46. United States *v.* Pacific Trading Co., district court, northern California, December 22, 1914, indictment charging false billing; 20 counts.

47. United States *v.* Philadelphia & Reading Ry. Co., district court, eastern Pennsylvania, January 6, 1915, indictment charging failure strictly to observe demurrage tariffs; 51 counts.

48. United States *v.* Philadelphia & Reading Ry. Co., district court, eastern Pennsylvania, January 6, 1915, indictment charging failure strictly to observe demurrage tariffs and grant of concessions; 51 counts.

49. United States *v.* Philadelphia & Reading Railway Co., district court, eastern Pennsylvania, January 6, 1915, indictment charging participation in transportation without tariffs on file and grant of privileges not shown in tariffs; 60 counts.

50. United States *v.* Pennsylvania Railroad Co., district court, eastern Pennsylvania, March 10, 1915, indictment charging grant of concessions and rebates to the Glen White Coal & Lumber Co.; 5 counts.

51. United States *v.* Pennsylvania Railroad Co., district court, eastern Pennsylvania, March 10, 1915, indictment charging failure strictly to observe published tariffs; 5 counts.

52. United States *v.* J. T. Prince (Sales Mgr. Union Mfg. Co.), district court, southern Florida, December 14, 1914, indictment charging false billing; 10 counts.

53. United States *v.* Richards & Conover Co., district court, western Missouri, November 12, 1914, indictment charging false billing; 10 counts.

54. United States *v.* John Reilly, district court, Indiana, February 5, 1915, information charging unlawful use of interstate pass.

55. United States *v.* E. S. Rohn, district court, eastern Georgia, February 3, 1915, indictment charging unlawful use of interstate pass.

56. United States *v.* W. L. Ross, president T., St. L. & W. Ry. Co., district court, northern Illinois, November 6, 1914, indictment charging grant of a concession while president of the C. & A. R. R. to Edward Morris; 1 count.

57. United States *v.* Abraham D. Rothschild, district court, northern Illinois, February 10, 1915, information charging unlawful use of interstate pass.

58. United States *v.* Sierra Railway Co., district court, northern California, February 10, 1915, indictment charging grant of concessions and discriminations to the Standard Lumber Co.; 1 count.

59. United States *v.* Edwin Schiele Distilling Co., district court, eastern Missouri, January 16, 1915, indictment charging presentation of false claims; 5 counts.

60. United States *v.* Marshall H. Smith, agent, Smith Brothers Grain Co., district court, southern Texas, October 8, 1915, indictment charging presentation of false claims; 1 count.

61. United States *v.* Southern Pacific Co., district court, Nevada, February 13, 1915, indictment charging grant of concessions.

62. United States *v.* Standard Brewing Co., district court, middle Pennsylvania, October 21, 1915, indictment charging false billing; 20 counts.

63. United States *v.* W. D. Striplin and R. N. Striplin, trading as Striplin Cotton Co., district court, northern Mississippi, April 8, 1915, indictment charging false billing; 9 counts.

64. United States *v.* Morris Stulsaft Co., Morris Stulsaft and Jacob Stulsaft, district court, northern California, July 12, 1915, indictment charging presentation of false claims; 7 counts.

65. United States *v.* Swift & Co., district court, northern Illinois, May 24, 1915, indictment charging receipt of concessions from Ann Arbor Railroad, 25 counts; and false billing, 4 counts.

66. United States *v.* Frank Talerico, district court, southern Texas, January 15, 1915, indictment charging presentation of false claims; 5 counts.

67. United States *v.* Frederick D. Underwood, president Erie R. R. Co., district court, northern Ohio, May 27, 1915, indictment charging receipt of compensation for transportation at less than published rates; 1 count.

68. United States *v.* Union Brewing Co., district court, southern Illinois, November 21, 1914, indictment charging false billing; 28 counts.

69. United States *v.* Fred D. Van Vechten, district court, eastern Pennsylvania, June 19, 1915, indictment charging presentation of false claims; 1 count.

70. United States *v.* Union Manufacturing Co. and J. T. Prince, sales manager, district court, southern Florida, December 12, 1914, indictment charging false billing; 10 counts.

71. United States *v.* Valley Fruit Produce Association and F. W. Shields, its manager, district court, North Yakima, Wash., July 2, 1915, indictment charging false billing; 11 counts.

72. United States *v.* Western Pacific Ry. Co., district court, Nevada, February 13, 1915, indictment charging grant of concessions; 10 counts.

SUMMARY OF CASES CONCLUDED BETWEEN NOVEMBER 1, 1914, AND OCTOBER 31, 1915, INCLUSIVE.

1. United States *v.* Henry W. Ackhoff and Geo. W. Sheldon & Co., district court, southern New York, indictment charging acceptance of rebates from the L. V. R. R. on import shipments. March 23, 1915, nolle prosequi entered.

2. United States *v.* American Gas Machine Co., district court, Minnesota, indictment charging presentation of false claims. April 27, 1915, plea of guilty entered and fine of $500 imposed.

3. United States *v.* Art Shade Co., district court, northern Illinois, indictment charging false billing. April 7, 1915, plea of nolo contendere entered and fine of $125 imposed.

4. United States *v.* Roy A. Campbell and Southern Texas Truck Growers Association, district court, southern Texas, indictment charging receipt and acceptance of concessions. March 24, 1915, verdict of not guilty.

5. United States *v.* Capewell Horse Nail Co., district court, eastern Michigan, indictment charging false billing. December 12, 1914, plea of guilty entered and fine of $1,000 imposed.

6. United States *v.* Central Railroad Co. of New Jersey, district court, New Jersey, indictment charging grant of concessions and rebates to the Lehigh Coal & Navigation Co. March 11, 1915, verdict of guilty and fine of $200,000 imposed.

7. United States *v.* Chicago Spring Butt Co., district court, northern Illinois, indictment charging false billing. February 15, 1915, plea of guilty entered and fine of $500 imposed.

8. United States *v.* Chicago, Terre Haute & Southeastern Ry. Co., district court, northern Illinois, indictment charging violation of commodities clause, January 26, 1915, plea of guilty entered and fine of $1,000 imposed.

9. United States *v.* Clarke Bros. & Co., district court, southern Illinois, indictment charging false billing. May 5, 1915, nolle prosequi entered.

10. United States *v.* Clarke Bros. & Co., district court, southern Illinois, indictment charging false billing. May 5, 1915, nolle prosequi entered.

11. United States *v.* Clarke Bros. & Co., district court, southern Illinois, indictment charging false billing. May 5, 1915, nolle prosequi entered.

12. United States *v.* Davidson Bros. Co., district court, eastern Missouri, indictment charging presentation of false claims. May 30, 1915, plea of guilty entered and fine of $2,500 imposed.

13. United States *v.* Forked Deer Milling Co., district court, western Tennessee, indictment charging false billing and acceptance of concessions. May 1, 1915, plea of guilty entered and fine of $500 imposed.

14. United States *v.* Franklin Joe Fresher, district court, Oregon, indictment charging unlawful use of interstate pass. January 9, 1915, plea of guilty entered and fine of $100 imposed.

15. United States *v.* Gamble-Robinson Commission Co., district court, Minnesota, indictment charging presentation of false claims to C., St. P. & O. Ry. Co. April 7, 1915, verdict of guilty and fine of $500 imposed.

16. United States *v.* Grand Trunk Railway Co. of Canada, district court, Maine, indictment charging participation in transportation without tariffs on file. June 17, 1915, plea of guilty entered and fine of $500 imposed.

17. United States *v.* Joseph Goldsleger, district court, middle Pennsylvania, indictment charging presentation of false claims. October 20, 1915, verdict of guilty and fine of $100 and imprisonment for six months imposed.

18. United States *v.* M. H. Gunther and Geo. F. Gunther, trading as M. H. Gunther & Co., district court, northern Mississippi, indictment charging false billing. October 11, 1915, plea of nolo contendere entered and fine of $500 imposed.

19. United States *v.* W. A. Halbert, W. B. Hooper, and Geo. Graham, trading as W. A. Halbert & Co., district court, northern Mississippi, indictment charging false billing. October 11, 1915, nolle prosequi entered.

20. United States *v.* Thomas N. Jarvis, V. P. and Clarence A. Blood, F. T. M. Lehigh Valley R. R. Co., district court, southern New York, indictment charging grant of rebates on import shipments. March 23, 1915, nolle prosequi entered as to both defendants. A civil action was subsequently prosecuted which resulted in a judgment for the Government.

21. United States *v.* Jefferson Wood Working Co., district court, western Kentucky, indictment charging false billing. July 26, 1915, plea of guilty entered and fine of $1,000 imposed.

22. United States *v.* Jefferson Wood Working Co., district court, western Kentucky, indictment charging false billing. July 26, 1915, plea of guilty entered and fine of $1,000 imposed.

23. United States *v.* Bob Johnson et al., district court, eastern Georgia, indictment charging unlawful use of interstate passes. February 3, 1915, verdict of guilty and fine of $210 imposed. Sentence suspended.

24. United States *v.* J. E. Latham & Co., corporation, district court, northern Mississippi. Indictment charging false billing. October 11, 1915, plea of nolo contendere entered and fine of $500 imposed.

25. United States *v.* J. J. Lowery, Eugene Atkinson, and Hugh Atkinson, trading as Atkinson & Lowery, district court, northern Mississippi, indictment charging false billing. October 11, 1915, plea of nolo contendere entered and fine of $50 imposed.

26. United States *v.* Louisville & Nashville R. R. Co., district court, northern Florida, indictment charging grant of concessions. May 13, 1915, plea of guilty entered and fine of $1,000 imposed.

27. United States *v.* Louisville & Nashville R. R. Co., district court, eastern Louisiana, indictments charging failure strictly to observe its published tariffs and grant of concessions. May 13, 1915, plea of guilty entered and fine of $1,000 imposed.

28. United States *v.* Michigan Central R. R. Co., district court, eastern Michigan, indictment charging failure strictly to observe demurrage tariffs. March 25, 1915, verdict of guilty and fine of $24,000 imposed.

29. United States *v.* Michigan Central R. R. Co., district court, eastern Michigan, indictment charging granting of concessions. March 25, 1915, nolle prosequi entered.

30. United States *v.* Mark P. Miller Milling Co. and Mark P. Miller, its president, district court, Idaho, indictment charging false billing. November 18, 1914, plea of guilty entered and fine of $2,500 imposed against Mark P. Miller Milling Co. and $2,500 against Mark P. Miller.

31. United States *v.* Missouri, Kansas & Texas Railway Co., district court, southern Texas, indictment charging failure strictly to observe its published tariffs. October 11, 1915, plea of guilty entered and fine of $4,000 imposed.

32. United States *v.* Missouri, Kansas & Texas Ry. Co. and Missouri, Kansas & Texas Ry. of Texas, district court, southern Texas. Indictment charging grant of concessions to G. A. Stowers Furniture Co. October 30, 1915, plea of guilty entered and fine of $3,000 imposed.

33. United States *v.* R. C. McCants Cotton Co., district court, northern Mississippi, indictment charging false billing. October 11, 1915, nolle prosequi entered.

34. United States *v.* Joseph Newburger and Edwin Newburger, trading as Newburger Cotton Co., district court, northern Mississippi, indictment charging false billing. October 11, 1915, plea of nolo contendere entered and fine of $500 imposed.

35. United States *v.* Pacific Trading Co., district court, northern California, indictment charging false billing. April 17, 1915, plea of guilty entered and fine of $500 imposed.

36. United States *v.* Pennsylvania R. R. Co., district court, eastern Pennsylvania, indictments charging grant of concessions and rebates to the Glen White Coal & Lumber Co. and failure strictly to observe published tariffs. June 16, 1915, verdict of not guilty entered.

37. United States *v.* Potlatch Lumber Co. and J. J. Lohrenz, district court, eastern Washington, indictment charging false billing. October 1, 1914, plea of guilty entered by lumber company and fine of $1,000 imposed. January 5, 1915, plea of guilty entered by Lohrenz and fine of $500 imposed.

38. United States *v.* John Reilly, district court, Indiana, information charging unlawful use of interstate pass. February 15, 1915, plea of guilty entered and fine of $100 imposed.

39. United States *v.* E. S. Rohn, district court, eastern Georgia, indictment charging unlawful use of interstate pass. February 3, 1915, verdict of guilty and fine of $100 imposed. Sentence suspended.

40. United States *v.* Abraham D. Rothschild, district court, northern Illinois, information charging unlawful use of interstate pass. February 10, 1915, plea of guilty entered and fine of $750 imposed.

41. United States *v.* Edwin Schiele Distilling Co., district court, eastern Missouri, indictment charging presentation of false claims. May 22, 1915, plea of guilty entered and fine of $2,500 imposed.

42. United States *v.* Sierra Railway Co., district court, northern California, indictment charging grant of concessions and discriminations to the Standard Lumber Co. April 16, 1915, plea of guilty entered and fine of $2,500 imposed.

43. United States *v.* Marshall H. Smith, agent, Smith Brothers Grain Co., district court, southern Texas, indictment charging presentation of false claims. October 17, 1915, plea of guilty entered and fine of $100 imposed.

44. United States *v.* Southern Pacific Co., district court of Nevada, indictment charging grant of concessions. October 18, 1915, demurrer filed and sustained.

45. United States *v.* Standard Brewing Co., district court, middle Pennsylvania, indictment charging false billing. October 21, 1915, plea of guilty entered and fine of $16,000 imposed.

46. United States *v.* W. D. Striplin and R. N. Striplin, trading as Striplin Cotton Co., district court, northern Mississippi, indictment charging false billing. October 11, 1915, plea of nolo contendere entered and fine of $500 imposed.

47. United States *v.* Frank Talerico, district court, western Texas, indictment charging presentation of false claims. May 20, 1915, plea of guilty entered and fine of $1,000 imposed.

48. United States *v.* Union Brewing Co., district court, southern Illinois, indictment charging attempted false billing. April 30, 1915, plea of guilty entered and fine of $2,800 imposed.

APPENDIX B.

SUMMARIES SHOWING ACTION TAKEN SINCE THE PERIOD COVERED BY THE LAST ANNUAL REPORT, WITH RESPECT TO CASES INVOLVING ORDERS OR PRACTICES OF THE COMMISSION AND STATUS ON OCTOBER 31, 1915, OF CASES PENDING IN THE COURTS.

CASES DECIDED BY THE COURTS SINCE OCTOBER 31, 1914.
CASES DISMISSED IN THE COURTS SINCE OCTOBER 31, 1914.
CASES PENDING IN THE COURTS OCTOBER 31, 1915.

CASES DECIDED BY THE COURTS SINCE OCTOBER 31, 1914.

SUPREME COURT OF THE UNITED STATES.

Pennsylvania Co. v. *United States.*

Suit in equity to annul an order of the Commission requiring appellant to remove discrimination occasioned by its refusal to extend to the Buffalo, Rochester & Pittsburgh Ry. Co. facilities for the interchange of traffic within the switching limits of New Castle, Pa.

Order of District Court, Western District of Pennsylvania, denying interlocutory injunction, 214 Fed., 445, affirmed, 236 U. S., 351.

Meeker v. *Lehigh Valley R. R. Co.*, 2 cases.

Actions at law to enforce awards of damages allowed by the Commission as reparation on shipments of coal from points in Pennsylvania to Perth Amboy, N. J.

Judgment of District Court, Eastern District of Pennsylvania, for damages awarded by Commission, together with interest, costs, and an attorney's fee, reversed by Circuit Court of Appeals for Third Circuit. Judgment of Circuit Court of Appeals reversing judgment of District Court reversed; judgment of District Court modified by disallowance of attorney's fee for services before the Commission, and, as so modified, affirmed, 236 U. S., 412, 434.

United States v. *Louisville & Nashville R. R. Co.,*

Application for mandamus to compel the appellee to permit examination by the Commission of accounts, records, memoranda, and correspondence files.

Decree of District Court, Western District of Kentucky, refusing writ and dismissing petition, 212 Fed., 486, affirmed, 236 U. S., 318.

United States et al. v. *Louisville & Nashville R. R. Co. et al.*

Suit in equity to annul an order of the Commission requiring appellees to remove discrimination occasioned by their refusal to extend to Atlanta and other Georgia points a reshipping privilege similar to that permitted at Nashville, Tenn.

Decree of Commerce Court granting injunction, 191 Fed., 37; 197 Fed., 58, reversed without prejudice, 235 U. S., 314.

United States v. *Erie R. R. Co.*

Suit in equity to restrain the appellee from issuing passes to officers or employees of trans-Atlantic steamship lines and other carriers not subject to the act to regulate commerce.

Decree of District Court, Southern District of New York, denying injunction, 213 Fed., 391, affirmed, 236 U. S., 259.

Louisville & Nashville R. R. Co. et al. v. *United States et al.*

Suit in equity to annul an order of the Commission reducing rates on coal consigned to Nashville, Tenn., and requiring appellants to desist from certain discriminative switching practices at Nashville with respect to coal originating on their own lines as against such traffic originating on the lines of the Tennessee Central Railroad.

Decree of District Court, Middle District of Tennessee, denying injunction, 216 Fed., 672, affirmed, 238 U. S., 1.

Ellis v. *Interstate Commerce Commission.*

Action under section 12 of the act to regulate commerce to compel the vice president of Armour Car Lines to answer certain questions and to produce certain documentary evidence in private-car investigation.

On appeal from order of District Court, Northern District of Illinois, requiring appellant to answer and produce: *Held*, That certain questions must be answered, while others need not be. Decree of District Court reversed without prejudice, 237 U. S., 434.

DISTRICT COURTS OF THE UNITED STATES.

Louisville & Nashville R. R. Co., v. *United States et al.*, Western District of Kentucky.

Suit in equity to annul an order of the Commission denying in part and granting in part relief from long-and-short-haul provisions of fourth section as to traffic shipped through Bowling Green to Louisville, Ky., and Nashville, Tenn.

Instituted in Commerce Court, but dismissed for want of jurisdiction, 207 Fed., 591. On appeal to Supreme Court the United States confessed error in refusal of Commerce Court to assume jurisdiction. Case remanded to District Court for trial. Injunction denied and bill dismissed. Appealed to Supreme Court. Not yet assigned for hearing.

Galveston, Harrisburg & San Antonio Ry. Co. et al. v. *United States*, Southern District of Texas.

Suit in equity to annul an order of the Commission requiring carriers to remove discrimination resulting (1) from the application of higher proportional rates to Port Aransas than to Galveston, Tex., on cotton moving through those ports to foreign countries, and (2) from a refusal to issue through bills of lading on shipments via Port Aransas while contemporaneously issuing such bills of lading on shipments via Galveston.

Injunction denied and bill dismissed without prejudice at cost of petitioners, 222 Fed., 175.

Lehigh Valley R. R. Co. v. *United States*, Southern District of New York.

Suit in equity to enjoin continued payment by appellant of commissions or salaries to George W. Sheldon & Co. as import agents.

Injunction granted, 222 Fed., 685. Appealed to Supreme Court. Not yet assigned for hearing.

Philadelphia & Reading Ry. Co. v. *United States*, Eastern District of Pennsylvania.

Suit in equity to annul an order of the Commission requiring carriers to remove discrimination occasioned by their failure to maintain to Jersey City the same rates on cement from Evansville, Pa., as are maintained from other points in Pennsylvania.

Injunction denied, 219 Fed., 988. Appealed to Supreme Court. Argued and submitted and taken under advisement by the Court.

Missouri Pacific Ry. Co. et al. v. *United States et al.*, Eastern District of Arkansas.

Suit in equity to annul an order of the Commission requiring complainants to make reparation on certain shipments of cypress lumber from Little Rock and Woodson, Ark., to points in Oklahoma, Kansas, and Missouri.

Injunction denied and bill dismissed.

Crosby Transportation Co. v. *United States*, Eastern District of Wisconsin.

Suit in equity to annul an order of the Commission requiring the reestablishment of a through route and joint rates for the transportation of fresh fruits from points on complainant's line to Milwaukee, Wis.

Injunction denied and bill dismissed.

O'Keefe, Receiver, New Orleans, T. & M. R. R. Co. v. *United States et al.*, Eastern District of Louisiana.

Suit in equity to annul second supplemental order of the Commission in the *Tap Line case.*

Injunction denied. Appealed to Supreme Court. Advanced to be heard November 29, 1915.

Manufacturers' Ry. Co. et al. v. *United States*, Eastern District of Missouri.

Suit in equity to annul an order of the Commission directing the cancellation of certain trunk-line tariffs providing for allowances to the Manufacturers' Railway.

Injunction denied and bill dismissed. Appealed to Supreme Court. Not yet assigned for hearing.

Central Vermont Ry. Co. et al. v. *Interstate Commerce Commission*, District of Nebraska.

Suit in equity to annul an order of the Commission directing the establishment on monumental granite from quarry points in Vermont to points in Nebraska of a classification rating and rate not in excess of those contemporaneously applied to dressed and polished building granite.

Injunction denied. Motion to dismiss petition under advisement by the Court.

Duluth & Northern Minnesota Ry. Co. v. *United States*, Northern District of Illinois.

Suit in equity to annul an order of the Commission reducing rates on pulp wood from points in Minnesota to points in Wisconsin and Michigan.

Interlocutory injunction granted, but dissolved after final hearing and bill dismissed. Appealed to Supreme Court. Appeal dismissed by appellant.

Manufacturers' Ry. Co. v. *United States*, Eastern District of Missouri.

Suit in equity to annul an order of the Commission requiring appellant and other carriers to discontinue charging on traffic from points served by the Manufacturers' Railway to points in states other than Missouri rates in excess of $2.50 per car higher than rates contemporaneously in effect from St. Louis, Mo.

Injunction denied and bill dismissed. Appealed to Supreme Court. Not yet assigned for hearing.

Louisville & Nashville R. R. Co. et al. v. *United States et al.*, Middle District of Tennessee.

Suit in equity to annul an order of the Commission requiring carriers to abate discriminations in their switching practices at Nashville, Tenn.

Injunction denied and bill dismissed. Decree thereafter modified to provide for stay of order pending appeal by carriers to Supreme Court.

Illinois Central R. R. Co. v. *United States*, Eastern District of Illinois.

Suit in equity to annul or set aside a notice or order of the Commission assigning for hearing before an examiner of the Commission certain complaints involving reparation for carrier's failure to furnish coal cars.

Injunction granted. Will be appealed to Supreme Court.

COURT OF APPEALS OF THE DISTRICT OF COLUMBIA.

United States ex rel. Louisville Cement Co. v. *Interstate Commerce Commission.*

Application for mandamus to compel the Commission to reverse a ruling to the effect that certain claims for damages were barred by the statute of limitations because not filed within two years from delivery of the shipments involved.

Order of Supreme Court of the District of Columbia denying writ and dismissing petition affirmed.

CASES DISMISSED IN THE COURTS SINCE OCTOBER 31, 1914.

DISTRICT COURTS OF THE UNITED STATES.

Denver & Rio Grande R. R. Co. et al. v. *United States et al.*, District of Colorado.

Suit in equity to annul an order of the Commission reducing certain rates between Missouri River, Mississippi River, and Chicago territories and Utah common points.

Preliminary injunction denied by Commerce Court. Upon abolition of that court, transferred to District Court, and thereafter dismissed, at cost of petitioner.

Louisville & Nashville R. R. Co. et al. v. *United States et al.*, Western District of Kentucky.

Suit in equity to annul an order of the Commission requiring carriers to remove discrimination resulting from their application to certain shipments originating west of the Mississippi River and moving via Chicago or other Cook County junctions to points in southeastern territory of higher proportional rates than those contemporaneously applied to similar shipments moving via routes other than those via Chicago or other Cook County junctions.

After final hearing, but before decision by Commerce Court, case was transferred, upon abolition of that Court, to District Court, where it was subsequently dismissed by stipulation.

Southern Pacific Co. v. *United States et al.*, Northern District of California.

Suit in equity to annul an order of the Commission granting relief from long-and-short-haul provisions of fourth section as to traffic shipped through points intermediate San Francisco and Portland, and fixing relation between long-haul and short-haul points.

Transferred from Commerce Court upon its abolition to District Court and thereafter dismissed at cost of petitioner.

Alger v. *Duluth & Northern Minnesota Ry. Co. et al.*, District of Minnesota.

Suit in equity to annul an order of the Commission reducing rates on pulp wood from points in Minnesota to points in Wisconsin and Michigan.

After answer filed, dismissed on motion of petitioner.

Ashley, Drew & Northern Ry. Co. v. *James S. Harlan et al.*, Eastern District of Arkansas.

Suit in equity to annul an order of the Commission fixing maximum divisions between petitioner and the St. Louis, Iron Mountain & Southern R. R. Co.

Dismissed on motion of petitioner.

United States v. *Norfolk Southern R. R. Co.*, Eastern District of Virginia.

Action at law to recover penalty prescribed by section 16 of the act to regulate commerce for failure of defendant to obey an order of the Commission covering rates on rosin from Snow Hill, N. C., to New York City.

Dismissed at the instance of the Commission, on motion of the United States.

COURT OF APPEALS OF THE DISTRICT OF COLUMBIA.

United States ex rel. W. H. Snell Co. v. *Interstate Commerce Commission.*

Application for mandamus to compel the Commission to enter an order in the *Industrial Railways case*, 29 I. C. C., 212, wherein it had held that the Newburgh & South Shore Railway was a plant facility of the American Steel & Wire Co., not entitled to divisions of through rates.

Mandamus denied and petition dismissed by Supreme Court of the District of Columbia. Appealed: appeal dismissed by appellants.

CASES PENDING IN THE COURTS OCTOBER 31, 1915.

SUPREME COURT OF THE UNITED STATES.

Louisville & Nashville R. R. Co. v. *United States et al.*

Suit in equity to annul an order of the Commission denying in part and granting in part relief from long-and-short-haul provisions of fourth section, as to traffic shipped through Bowling Green to Louisville, Ky., and Nashville, Tenn.

Instituted in Commerce Court, but dismissed for want of jurisdiction, 207 Fed., 591. On appeal to Supreme Court, the United States confessed error in refusal of Commerce Court to assume jurisdiction. Case remanded to District Court, Western District of Kentucky, for trial. Injunction denied and bill dismissed. Appealed to Supreme Court. Not yet assigned for hearing.

United States v. *Nashville, Chattanooga & St. Louis Ry. Co.*

Application for mandamus to compel the appellee to permit inspection by the Commission of accounts, records, memoranda, and correspondence files.

Appeal from decree of District Court, Middle District of Tennessee, denying writ, 217 Fed., 254. Not yet assigned for hearing.

Lehigh Valley R. R. Co. v. *United States.*

Suit in equity to enjoin continued payment by appellant of commissions or salaries to George W. Sheldon & Co. as import agents.

Appeal from decree of District Court, Southern District of New York, granting injunction, 222 Fed., 685. Not yet assigned for hearing.

United States et al. v. *St. Louis, I. M. & S. Ry. Co. et al.*

Suit in equity to annul an order of the Commission requiring carriers to remove discrimination resulting from their application of higher rates on logs and lumber to Metropolis, Ill., than to Cairo, Ill.

Appeal from decree of District Court, Eastern District of Illinois, enjoining order as to Iron Mountain and Cotton Belt Railroads, 217 Fed., 80. Not yet assigned for hearing.

Philadelphia & Reading Ry. Co. v. *United States.*

Suit in equity to annul an order of the Commission requiring carriers to remove discrimination occasioned by their failure to maintain to Jersey City the same rates on cement from Evansville, Pa., as are maintained from other points in Pennsylvania.

Appeal from decree of District Court, Eastern District of Pennsylvania, denying injunction, 219 Fed., 988. Argued and submitted and taken under advisement by the Court.

O'Keefe, Receiver, New Orleans, T. & M. R. R. Co. v. *United States et al.*

Suit in equity to annul second supplemental order of the Commission in the *Tap Line case.*

Appeal from decree of District Court, Eastern District of Louisiana, denying injunction. Advanced to be heard November 29, 1915.

Manufacturers' Railway Co. et al. v. *United States.*

Suit in equity to annul an order of the Commission directing the cancellation of certain trunk-line tariffs providing for allowances to the Manufacturers' Railway.

Appeal from decree of District Court, Eastern District of Missouri, denying injunction. Not yet assigned for hearing.

Manufacturers' Railway Co. v. *United States.*

Suit in equity to annul an order of the Commission requiring appellant and other carriers to discontinue charging on traffic from points served by Manufacturers' Railway to points in states other than Missouri rates in excess of $2.50

per car higher than rates contemporaneously in effect from St. Louis, Mo., to such points.

Appeal from decree of District Court, Eastern District of Missouri, denying injunction. Not yet assigned for hearing.

DISTRICT COURTS OF THE UNITED STATES.

United States Pipe Line Co. v. *United States et al.*, Eastern District of Pennsylvania.

Suit in equity to annul an order of the Commission requiring petitioner to file schedules of its rates and charges for the interstate transportation of oil by means of pipe lines.

Transferred from Commerce Court upon its abolition to District Court. Not yet assigned for hearing.

New York, New Haven & Hartford R. R. Co. v. *United States et al.*, District of Connecticut.

Suit in equity to annul an order of the Commission reducing commutation passenger fares between certain points in Connecticut and New York City.

Interlocutory injunction denied. Pending final hearing and submission.

Ellis v. *Interstate Commerce Commission*, Northern District of Illinois.

Action under section 12 of the act to regulate commerce to compel the vice president of Armour Car Lines to answer certain questions and to produce certain documentary evidence in private-car investigation.

On appeal from order of District Court, Northern District of Illinois, requiring appellant to answer and produce: *Held*, That certain questions must be answered while others need not be. Decree of District Court reversed without prejudice, 237 U. S., 434.

Louisville & Nashville R. R. Co. v. *United States*, Western District of Virginia.

Suit in equity to annul an order of the Commission prohibiting advances in coal and coke rates from points on the Louisville & Nashville Railroad to points on the Cleveland, Cincinnati, Chicago & St. Louis Railway, and prescribing maximum rates on coal from Black Mountain and other mine groups to points north of Ohio River.

Injunction denied. Rehearing granted by Commission. Pending argument on rehearing.

Central Vermont Ry. Co. et al. v. *Interstate Commerce Commission*, District of Nebraska.

Suit in equity to annul an order of the Commission directing the establishment on monumental granite from quarry points in Vermont to points in Nebraska, of a classification rating and rate not in excess of those contemporaneously applied to dressed and polished building granite.

Injunction denied. Motion to dismiss petition under advisement by the Court.

Dorcheat Valley R. R. Co. v. *United States et al.*, Western District of Louisiana.

Suit in equity to annul an order of the Commission fixing a maximum division in the *Tap Line case.*

Not yet assigned for hearing.

Illinois Central R. R. Co. et al. v. *United States*, Northern District of Illinois.

Suit in equity to annul an order of the Commission requiring carriers to discontinue charging for the transportation of salt from points in Michigan to points in Illinois and other states rates in excess of 2½ cents per 100 pounds higher than rates contemporaneously in effect from Chicago and Chicago rate points to said destinations.

Interlocutory injunction denied. Pending final hearing and submission.

Missouri, Kansas & Texas Ry. Co. v. *United States et al.*, Northern District of Texas.

Suit in equity to annul an order of the Commission awarding reparation on shipments of cattle from points in Texas and other states to points in Illinois and other states.

Not yet assigned for hearing.

St. Louis, I. M. & S. Ry. Co. v. *United States et al.*, Northern District of Texas.

Suit in equity to annul an order of the Commission awarding reparation on shipment of cattle from points in Texas and other states to points in Illinois and other states.

Not yet assigned for hearing.

Louisville & Nashville R. R. Co. v. *United States et al.*, Western District of Kentucky.

Suit in equity to annul an order of the Commission denying to petitioner authority under the fourth section to continue to charge lower class rates on interstate freight traffic from Louisville, Ky., to Junction City, Ky., than those concurrently in effect on like traffic to Lebanon, Ky.

Not yet assigned for hearing.

Chicago & Eastern Illinois R. R. Co. v. *United States et al.*, Northern District of Texas.

Suit in equity to annul an order of the Commission awarding reparation on shipments of cattle from points in Texas and other states to points in Illinois and other states.

Not yet assigned for hearing.

St. Louis & San Francisco R. R. Co. v. *United States et al.*, Northern District of Texas,

Suit in equity to annul an order of the Commission awarding reparation on shipments of cattle from points in Texas and other states to points in Illinois and other states.

Not yet assigned for hearing.

Warren, Johnsville & Saline River R. R. Co. v. *United States*, Western District of Arkansas.

Suit in equity to annul an order of the Commission in the *Tap Line case* fixing divisions on shipments of yellow-pine lumber.

Not yet assigned for hearing.

Pennsylvania R. R. Co. v. *United States*, Western District of Pennsylvania.

Suit in equity to annul an order of the Commission requiring petitioner to furnish tank cars to Crew-Levick Co.

Argued and submitted and taken under advisement by the Court.

Pennsylvania R. R. Co. v. *United States*, Western District of Pennsylvania,

Suit in equity to annul an order of the Commission requiring petitioner to furnish tank cars to Pennsylvania Paraffine Works.

Argued and submitted and taken under advisement by the Court.

Merchants & Manufacturers Association of Sacramento et al. v. *United States et al.*, Northern District of California.

Suit in equity to annul certain orders of the Commission relieving carriers from long-and-short-haul provisions of fourth section, commodity rates from Missouri River territory to Pacific coast terminal cities.

Preliminary injunction not granted. Argued and submitted on final hearing and taken under advisement by the Court.

Illinois Central R. R. Co. v. *United States*, Eastern District of Illinois.

Suit in equity to annul or set aside a notice or order of the Commission assigning for hearing before an examiner of the Commission certain complaints involving reparation for carrier's failure to furnish coal cars.

Injunction granted. Will be appealed to Supreme Court.

Nashville Grain Exchange et al. v. *United States et al.*, Northern District of Georgia.

Suit in equity to annul an order of the Commission requiring carriers to desist from certain discriminatory practices with respect to the reshipping of grain, grain products, and hay at Nashville, Tenn.

Interlocutory injunction denied. Pending final hearing and submission.

APPENDIX C.

STATISTICAL SUMMARIES.

SUMMARY OF STATISTICS FROM PERIODICAL REPORTS OF CARRIERS TO THE COMMISSION.
SUMMARY OF ACCIDENT STATISTICS.

SUMMARY OF STATISTICS FROM PERIODICAL REPORTS OF CARRIERS TO THE COMMISSION.

No particular comment on these figures appears to be necessary at this time further than to say that in some instances the 1914 figures shown in this report differ somewhat from those shown in last year's report, because of reclassifications, corrections, etc.

Summary of monthly reports of revenues and expenses of large steam roads.

[This summary includes all roads reporting operating revenues in excess of $1,000,000 for the year ended June 30, 1914.]

Item.	Year ended June 30—		Average per mile of road operated.	
	1915	1914 [1]	1915	1914 [1]
Average number of miles of road operated	228,554.14	226,388.02		
Operating revenues:				
Freight	$1,988,594,599	$2,082,657,642	$8,701	$9,200
Passenger	630,177,652	687,811,363	2,757	3,038
Mail	57,021,857		249	
Express	69,043,509	217,400,758	302	960
All other transportation	83,532,412		366	
Incidental	58,416,906	61,973,181	256	274
Joint facility—Cr	3,458,071	3,566,345	15	16
Joint facility—Dr	*1,215,531*	*975,759*	*5*	*5*
Total	2,889,029,475	3,052,433,530	12,641	13,483
Operating expenses:				
Maintenance of way and structures	365,968,225	409,787,202	1,601	1,810
Maintenance of equipment	498,871,462	534,195,396	2,183	2,360
Traffic	59,464,699	62,711,270	260	277
Transportation	1,017,797,060	1,109,799,207	4,453	4,902
Miscellaneous operations	22,902,287	28,948,764	100	128
General	74,646,461	76,489,363	327	337
Transportation for investment—Cr	*6,960,300*	*2,997,209*	*30*	*13*
Total	2,032,689,894	2,218,933,993	8,894	9,801
Net revenue from railway operations	856,339,581	833,499,537	3,747	3,682
Railway tax accruals	133,993,519	136,758,711	586	604
Uncollectible railway revenues	640,345	26,896	3	
Railway operating income	721,705,717	696,713,930	3,158	3,078

[1] Because of changes in accounting classifications, consolidations of companies, etc., comparative figures are approximate only.

Operating revenues and expenses of steam roads in the United States reporting annual operating revenues in excess of $1,000,000.

Item.	July.		
	1915	1914	1913
Average number of miles operated	228,713.39	227,748.96	225,212.56
Revenues:			
Freight	$170,020,967	$168,475,296	$175,430,596
Passenger	63,925,578	64,394,963	66,802,035
Mail	4,869,355	4,630,985	4,250,231
Express	6,137,519	5,744,906	6,193,019
All other transportation	7,568,356	7,423,486	7,555,569
Incidental	5,823,727	5,165,440	5,364,947
Joint facility—Cr	285,260	302,725	268,571
Joint facility—Dr	*104,399*	*101,383*	*112,481*
Total railway operating revenues	258,526,363	256,036,418	[1] 266,321,339
Expenses:			
Maintenence of way and structures	34,573,243	35,104,294	39,333,265
Maintenance of equipment	41,958,125	44,080,021	44,294,151
Traffic	5,095,482	5,053,235	5,394,122
Transportation	81,945,757	86,757,822	90,966,506
Miscellaneous operations	2,258,252	2,106,515	2,572,021
General	6,346,789	6,101,710	5,977,145
Transportation for investment—Cr	*650,787*	*498,832*	*267,588*
Total railway operating expenses	171,526,861	178,705,265	188,269,622
Net revenue from railway operations	86,999,502	77,331,153	78,051,717
Railway tax accruals	11,574,582	11,360,267	10,832,253
Uncollectible railway revenues	47,744	23,245	2,174
Railway operating income	75,377,176	65,947,641	67,217,290

AVERAGES PER MILE OF LINE OPERATED.

Revenues:			
Freight	$743	$740	$779
Passenger	280	283	297
Mail	21	20	19
Express	27	25	28
All other transportation	33	32	34
Incidental	25	23	24
Joint facility—Cr	1	1	1
Joint facility—Dr			*1*
Total railway operating revenues	1,130	1,124	1,183
Expenses:			
Maintenance of way and structures	151	154	175
Maintenance of equipment	184	194	197
Traffic	22	22	24
Transportation	358	381	404
Miscellaneous operations	10	9	11
General	28	27	26
Transportation for investment—Cr	*3*	*2*	*1*
Total railway operating expenses	750	785	836
Net revenue from railway operations	380	339	347
Railway tax accruals	50	50	48
Uncollectible railway revenues			
Railway operating income	330	289	299

[1] Includes $568,852 unclassified.

Mileage covered by operations of the principal express companies on June 30, 1915 and 1914.

Name of carrier.	Steam road mileage.		Other lines mileage.		Total mileage.	
	1915	1914	1915	1914	1915	1914
Total	*Miles.* 251,665.24	*Miles.* 247,217.57	*Miles.* 49,440.70	*Miles.* 49,490.47	*Miles.* 301,105.94	*Miles.* 296,708.04
Adams Express Co	37,859.94	33,800.26	7,070.28	4,582.68	44,930.22	38,382.94
American Express Co	71,363.66	57,820.70	2,929.13	3,698.13	74,292.79	61,518.83
Canadian Express Co	8,851.50	6,250.31	625.00	1,430.00	9,476.50	7,680.31
Globe Express Co.[1]		2,839.78				2,839.78
Great Northern Express Co	9,066.31	8,766.80	516.49	566.49	9,582.80	9,333.29
Northern Express Co	7,895.93	7,781.24	337.10	337.10	8,233.03	8,118.34
Southern Express Co	33,887.60	32,813.60	778.00	891.00	34,665.60	33,704.60
United States Express Co.[2]		28,288.96		2,649.37		30,938.33
Wells Fargo & Co	77,539.00	63,692.26	37,153.13	35,325.10	114,692.13	99,017.36
Western Express Co	5,201.30	5,163.66	31.57	10.60	5,232.87	5,174.26

[1] Discontinued operations on Apr. 30, 1915. [2] Discontinued operations on June 30, 1914.

Revenues and expenses of the principal express companies for the years ended June 30, 1915 and 1914, as returned in monthly reports.

Item.	Grand total.		Adams Express Co.	
	1915	1914	1915	1914
Revenues:				
Express, domestic	$143,926,646.72	$151,977,119.79	$34,273,991.34	$33,042,809.68
Express, foreign	559,588.06	524,967.22	111,153.03	
Miscellaneous	340,508.80	214,926.50	246,341.36	199,812.57
Charges for transportation	144,826,743.58	152,717,013.51	34,631,485.73	33,242,622.25
Express privileges—Dr	73,507,565.15	78,216,461.64	17,167,040.90	17,532,431.79
Revenue from transportation	71,319,178.43	74,500,551.87	17,464,444.83	15,710,190.46
Operation other than transportation	4,131,068.39	4,052,362.12	508,497.83	370,819.62
Total operating revenues	75,450,246.82	78,552,913.99	17,972,942.66	16,081,010.08
Expenses:				
Maintenance	4,115,495.86	4,012,149.74	1,226,621.11	1,151,845.10
Traffic	713,280.13	1,069,295.36	106,232.37	147,733.84
Transportation	61,659,519.67	66,082,658.75	15,677,714.23	14,420,981.60
General	5,005,270.52	5,787,017.45	1,078,367.19	1,122,092.44
Operating expenses	71,493,566.23	76,951,121.30	18,088,934.90	16,842,652.98
Net operating revenue (or *deficit*)	3,956,680.59	1,601,792.69	*115,992.24*	*761,642.90*
Uncollectible revenue from transportation	21,308.04	376.62	6,074.87	
Express taxes	1,379,894.16	1,470,541.52	194,930.55	203,742.58
Operating income (or *loss*)	2,555,478.39	130,874.55	*316,997.66*	*965,385.48*

Revenues and expenses of the principal express companies for the years ended June 30, 1915 and 1914, as returned in monthly reports—Continued.

Item.	American Express Co.		Canadian Express Co.	
	1915	1914	1915	1914
Revenues:				
Express, domestic	$46,281,923.26	$41,187,067.78	$3,112,539.22	$3,341,340.05
Express, foreign	378,645.54	457,487.27	4,573.81	
Miscellaneous	74,846.92			
Charges for transportation	46,735,415.72	41,644,555.05	3,117,113.03	3,341,340.05
Express privileges—Dr	23,458,860.54	20,836,894.15	1,554,427.61	1,666,472.55
Revenue from transportation	23,276,555.18	20,807,660.90	1,562,685.42	1,674,867.50
Operations other than transportation	2,387,912.03	2,143,482.05	60,570.35	114,732.40
Total operating revenues	25,664,467.21	22,951,142.95	1,623,255.77	1,789,599.90
Expenses:				
Maintenance	1,459,750.95	1,313,497.05	34,366.30	42,650.12
Traffic	237,079.33	314,518.45	8,382.40	14,718.43
Transportation	21,194,716.79	19,792,112.98	1,387,243.07	1,481,043.96
General	1,768,757.93	1,794,446.23	109,537.16	123,421.81
Operating expenses	24,660,305.00	23,214,574.71	1,539,528.93	1,661,834.32
Net operating revenue (or *deficit*)	1,004,162.21	*263,431.76*	83,726.84	127,765.58
Uncollectible revenue from transportation	3,149.67	207.40	100.57	
Express taxes	417,934.26	381,337.90	51,948.57	38,949.34
Operating income (or *loss*)	583,078.28	*644,977.06*	31,677.70	88,816.24

Item.	Globe Express Co.[1]		Great Northern Express Co.	
	1915	1914	1915	1914
Revenues:				
Express, domestic	$600,628.46	$668,274.24	$3,137,721.09	$3,245,470.53
Express, foreign				
Miscellaneous	920.76	1,137.34	395.00	
Charges for transportation	601,549.22	669,411.58	3,138,116.09	3,245,470.53
Express privileges—Dr	303,433.60	336,570.54	1,903,533.18	1,970,918.11
Revenue from transportation	298,115.62	332,841.04	1,234,582.91	1,274,552.42
Operations other than transportation	8,110.82	9,882.47	52,688.87	50,594.37
Total operating revenues	306,226.44	342,723.51	1,287,271.78	1,325,146.79
Expenses:				
Maintenance	8,792.65	11,032.33	37,901.83	37,888.90
Traffic	11,209.71	14,132.46	14,368.85	36,593.58
Transportation	233,588.91	283,333.10	943,702.70	958,650.39
General	45,039.52	49,419.01	62,602.30	53,171.64
Operating expenses	298,630.79	357,916.90	1,058,575.68	1,086,304.51
Net operating revenue (or *deficit*)	7,595.65	*15,193.39*	228,696.10	238,842.28
Uncollectible revenue from transportation			123.60	
Express taxes	11,195.49	12,049.33	45,155.25	45,659.34
Operating income (or *loss*)	*3,599.84*	*27,242.72*	183,417.25	193,182.94

[1] Discontinued operations on Apr. 30, 1915.

Revenues and expenses of the principal express companies for the years ended June 30, 1915 and 1914, as returned in monthly reports—Continued.

Item.	Northern Express Co.		Southern Express Co.	
	1915	1914	1915	1914
Revenues:				
Express, domestic	$2,778,592.24	$3,015,841.91	$14,077,767.07	$15,663,482.15
Express, foreign			6,432.70	
Miscellaneous			900.00	529.89
Charges for transportation	2,778,592.24	3,015,841.91	14,085,099.77	15,664,012.04
Express privileges—Dr.	1,515,586.42	1,637,573.15	7,278,117.10	8,041,709.15
Revenue from transportation	1,263,005.82	1,378,268.76	6,806,982.67	7,622,302.89
Operations other than transportation	40,250.83	38,967.25	300,882.09	328,812.38
Total operating revenues	1,303,256.65	1,417,236.01	7,107,864.76	7,951,115.27
Expenses:				
Maintenance	36,438.42	27,983.53	248,077.80	251,620.19
Traffic	12,091.63	17,126.81	94,500.00	126,523.30
Transportation	957,557.43	987,123.15	5,256,361.82	5,714,518.63
General	54,529.99	60,969.62	703,861.29	797,228.75
Operating expenses	1,060,617.47	1,093,203.11	6,302,800.91	6,889,890.87
Net operating revenue (or *deficit*)	242,639.18	324,032.90	805,063.85	1,061,224.40
Uncollectible revenue from transportation	204.88	41.26	662.10	127.96
Express taxes	60,641.68	60,375.97	172,957.77	181,488.17
Operating income (or *loss*)	181,792.62	263,615.67	631,443.98	879,608.27

Item.	United States Express Co.[1]		Wells Fargo & Co.	
	1915	1914	1915	1914
Revenues:				
Express, domestic		$19,342,493.24	$38,482,060.63	$31,276,561.05
Express, foreign			58,782.98	67,479.95
Miscellaneous			14,820.54	9,188.60
Charges for transportation		19,342,493.24	38,555,664.15	31,353,229.60
Express privileges—Dr.		9,716,447.29	19,724,414.44	15,816,159.38
Revenue from transportation		9,626,045.95	18,831,249.71	15,537,070.22
Operations other than transportation		297,450.25	734,633.25	668,785.35
Total operating revenues		9,923,496.20	19,565,882.96	16,205,855.57
Expenses:				
Maintenance		494,033.25	1,043,146.66	674,677.48
Traffic		141,701.63	221,308.17	232,291.57
Transportation		9,236,244.49	15,470,180.01	12,701,205.63
General		606,856.15	1,126,204.70	1,124,077.94
Operating expenses		10,478,835.52	17,860,839.54	14,732,252.62
Net operating revenue (or *deficit*)		*555,339.32*	1,705,043.42	1,473,602.95
Uncollectible revenue from transportation			10,877.75	
Express taxes		133,676.18	413,293.52	402,426.02
Operating income (or *loss*)		*689,015.50*	1,280,872.15	1,071,176.93

[1] Discontinued operations on June 30, 1914.

Revenues and expenses of the principal express companies for the years ended June 30, 1915 and 1914, as returned in monthly reports—Continued.

Item.	Western Express Co.	
	1915	1914
Revenues:		
Express, domestic	$1,181,423.41	$1,193,779.16
Express, foreign		
Miscellaneous	2,284.22	4,258.10
Charges for transportation	1,183,707.63	1,198,037.26
Express privileges—Dr.	602,151.36	661,285.53
Revenue from transportation	581,556.27	536,751.73
Operations other than transportation	37,522.32	28,835.98
Total operating revenues	619,078.59	565,587.71
Expenses:		
Maintenance	20,400.14	6,921.79
Traffic	8,107.72	23,955.29
Transportation	538,454.71	507,444.82
General	56,370.44	55,333.86
Operating expenses	623,333.01	593,655.76
Net operating revenue (or *deficit*)	*4,254.42*	*28,068.05*
Uncollectible revenue from transportation	114.60	
Express taxes	11,837.07	10,836.69
Operating income (or *loss*)	*16,206.09*	*38,904.74*

Comparative statement of revenues and expenses reported by the Pullman Co.

Item.	For the month of August—			For the months of July and August—		
	1915	1914	Increase (or *decrease*).	1915	1914	Increase (or *decrease*).
CAR OPERATIONS.						
Berth revenue	$4,040,474.44	$3,264,813.82	$775,660.62	$7,845,509.43	$6,341,319.37	$1,504,190.06
Seat revenue	714,827.14	739,145.91	*24,318.77*	1,367,430.24	1,422,415.08	*54,984.84*
Charter of cars	175,536.91	22,389.88	153,147.03	518,870.27	46,116.99	472,753.28
Miscellaneous revenue	5,543.26	6,395.85	*852.59*	10,882.72	12,056.44	*1,173.72*
Car-mileage revenue	90,342.37	76,150.87	14,191.50	168,670.46	147,944.50	20,725.96
Association revenue—Dr	70,788.37	58,168.89	12,619.48	140,126.66	116,373.81	23,752.85
Contract revenue—Dr	400,148.02	116,507.83	283,640.19	849,912.57	239,092.52	610,820.05
Total operating revenues	4,555,787.73	3,934,219.61	621,568.12	8,921,323.89	7,614,386.05	1,306,937.84
Maintenance of cars	877,262.76	1,089,396.06	*212,133.30*	1,872,757.91	2,128,736.34	*255,978.43*
All other maintenance	15,412.94	14,507.03	905.91	51,110.81	34,997.80	16,113.01
Conducting car operations	1,096,386.24	1,023,538.16	72,848.08	2,183,528.75	2,238,700.09	*55,171.34*
General expenses	96,935.60	94,660.10	2,275.50	193,096.85	187,205.47	5,891.38
Total operating expenses	2,085,997.54	2,222,101.35	*136,103.81*	4,300,494.32	4,589,639.70	*289,145.38*
Net operating revenue	2,469,790.19	1,712,118.26	757,671.93	4,620,829.57	3,024,746.35	1,596,083.22
AUXILIARY OPERATIONS.						
Total revenues	73,910.97	57,660.64	16,250.33	130,564.46	117,175.97	13,388.49
Total expenses	69,073.13	55,983.56	13,089.57	128,159.03	115,803.25	12,355.78
Net revenue	4,837.84	1,677.08	3,160.76	2,405.43	1,372.72	1,032.71
Total net revenue	2,474,628.03	1,713,795.34	760,832.69	4,623,235.00	3,026,119.07	1,597,115.93
Taxes accrued	118,483.16	95,000.00	23,483.16	242,212.92	190,000.00	52,212.92
Operating income	2,356,144.87	1,618,795.34	737,349.53	4,381,022.08	2,836,119.07	1,544,903.01

	Miles.
Total railway mileage over which respondent conducted operations on July 31, 1915	120,912
On corresponding date of previous year	126,852

ACCIDENT STATISTICS.

Summary of casualties to persons for the years ended June 30, 1915 and 1914.

Item.	Steam railways.				Electric railways.			
	1915		1914		1915		1914	
	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.
Passengers:								
In train accidents	89	4,648	85	7,001	9	769	18	1,182
Other causes	133	7,462	180	8,120	26	1,696	40	2,047
Total	222	12,110	265	15,121	35	2,465	58	3,229
Employees on duty:								
In train accidents	221	3,371	452	4,823	9	111	9	100
In coupling accidents	90	1,993	171	2,692	.....	14	2	25
Overhead obstructions, etc	45	1,083	89	1,490	.....	21	2	28
Falling from cars, etc	368	10,748	497	14,563	7	134	8	126
Other causes	870	20,865	1,314	27,273	8	221	25	289
Total	1,594	38,060	2,523	50,841	24	501	46	568
Total passengers and employees on duty	1,816	50,170	2,788	65,962	59	2,966	104	3,797
Employees not on duty:								
In train accidents	5	72	5	117	.....	4	.....	16
In coupling accidents	.....	1	.....	2	.....	.....	.....	.....
Overhead obstructions, etc	.....	10	3	5	.....	.....	.....	.....
Falling from cars, etc	45	287	54	370	.....	16	1	13
Other causes	165	470	265	603	3	5	2	5
Total	215	840	327	1,097	3	25	3	34
Other persons not trespassing:								
In train accidents	7	110	9	148	1	25	1	4
Other causes	1,156	5,280	1,298	5,827	190	1,093	247	1,081
Total	1,163	5,390	1,307	5,975	191	1,118	248	1,085
Trespassers:								
In train accidents	88	161	75	178	.....	.....	.....	.....
Other causes	4,996	6,287	5,396	6,176	103	106	168	139
Total	5,084	6,448	5,471	6,354	103	106	168	139
Total accidents involving train operation	8,278	62,848	9,893	79,388	356	4,215	523	5,055
Industrial accidents to employees not involving train operation	343	99,192	409	113,274	16	932	28	1,053
Grand total	8,621	162,040	10,302	192,662	372	5,147	551	6,108

Derailments—Steam railways.

DUE TO DEFECTS OF EQUIPMENT.

Causes.	Year ended June 30, 1915.				Year ended June 30, 1914.			
	Number.	Persons—		Damage to road and equipment and cost of clearing wrecks.	Number.	Persons—		Damage to road and equipment and cost of clearing wrecks.
		Killed.	Injured.			Killed.	Injured.	
Defective wheels:								
Broken or burst wheel	335	8	53	$394,569	360	4	29	$455,335
Broken flange	346	2	49	311,556	534	8	100	526,247
Loose wheel	100	1	11	69,122	117	1	74	97,739
Miscellaneous wheel defects	86	.....	29	49,467	118	2	65	66,766
Broken or defective axle or journals	367	6	104	362,766	425	2	120	340,185
Broken or defective brake rigging	390	3	54	261,704	580	9	162	398,758
Broken or defective draft gear	280	3	41	173,106	411	2	57	253,978
Broken or defective side bearings	141	.....	37	103,093	143	3	44	110,928
Broken arch bar	222	6	77	269,817	276	1	66	278,695
Rigid trucks	177	4	65	92,057	217	.....	38	113,774
Failure of power-brake apparatus, hose, etc	353	9	45	175,563	260	1	25	130,631
Failure of couplers	219	3	32	102,750	233	2	18	116,134
Miscellaneous	400	9	169	277,563	512	15	276	468,918
Total	3,416	54	766	2,648,133	4,186	50	1,074	3,358,088

DUE TO DEFECTS OF ROADWAY.

Broken rail	272	6	527	$342,342	311	24	810	$387,053
Spread rail	90	3	147	55,339	217	3	147	126,327
Soft track	354	3	292	191,456	356	.....	218	254,265
Bad ties	61	3	39	27,384	62	3	113	29,760
Sun kink	32	2	96	29,374	27	3	21	22,701
Irregular track	415	11	231	290,032	512	12	227	378,383
Broken or defective switch or frog	202	9	123	127,798	299	13	294	186,702
Miscellaneous	81	6	82	56,858	104	8	157	131,152
Total	1,507	43	1,540	1,120,583	1,888	66	1,987	1,516,343

Summary of accidents resulting from collisions and derailments for the 10 years ended June 30, 1915.[1]

Year.	Number.	Persons—		Damage to road and equipment and cost of clearing wrecks.
		Killed.	Injured.	
1906	13,455	977	12,686	$10,659,189
1907	15,458	1,291	16,236	12,865,702
1908	13,034	728	12,834	10,183,660
1909	9,670	606	9,560	7,480,203
1910	11,779	773	12,579	9,823,958
1911	11,865	785	11,793	9,851,780
1912	13,698	772	15,096	11,527,458
1913	15,526	791	14,565	13,049,214
1914	13,805	605	11,437	10,965,181
1915	10,387	382	7,554	7,800,898

[1] For the years prior to 1911 the figures for persons killed and injured are restricted to passengers and to employees on duty. Returns for electric railways are included in the figures for the same years.

Derailments due to defects of equipment for the 10 years ended June 30, 1915.[1]

Year.	Number.	Persons— Killed.	Persons— Injured.	Damage to road and equipment and cost of clearing wrecks.	Number.	Persons— Killed.	Persons— Injured.	Damage to road and equipment and cost of clearing wrecks.
	BROKEN OR BURST WHEEL.				BROKEN WHEEL FLANGE.			
1906	182	1	23	$212,803	649	12	135	$543,773
1907	242	8	73	264,692	693	9	107	675,134
1908	234	.....	41	270,097	582	7	94	614,967
1909	220	.....	15	246,286	518	6	73	497,712
1910	241	4	19	256,074	619	3	88	583,972
1911	235	6	34	281,985	581	11	72	582,360
1912	357	3	27	371,938	627	8	64	605,882
1913	351	5	108	390,689	605	10	104	600,348
1914	360	4	29	455,335	534	8	100	526,247
1915	335	8	53	394,569	346	2	49	311,556
Total	2,757	39	422	3,144,468	5,754	76	886	5,541,951
	LOOSE WHEEL.				MISCELLANEOUS WHEEL DEFECTS.			
1906	85	.....	15	$72,772	85	3	62	$58,335
1907	132	3	95	127,210	142	8	74	77,535
1908	98	1	22	54,674	117	1	66	55,266
1909	101	1	56	82,799	74	1	50	37,115
1910	105	1	39	120,418	81	2	67	48,201
1911	103	.....	28	89,073	78	1	43	55,047
1912	124	2	20	97,671	127	2	169	109,413
1913	130	1	19	97,535	137	2	46	74,557
1914	117	1	74	97,739	118	2	65	66,766
1915	100	1	11	69,122	86	.....	29	49,467
Total	1,095	11	379	909,013	1,045	22	671	631,702
	BROKEN OR DEFECTIVE AXLE OR JOURNAL.				BROKEN OR DEFECTIVE BRAKE RIGGING.			
1906	357	5	87	$274,866	292	4	109	$226,096
1907	425	2	48	274,498	379	9	151	335,696
1908	351	4	70	233,222	427	6	225	327,100
1909	289	2	46	214,735	294	3	134	204,946
1910	337	1	41	281,100	363	6	119	251,252
1911	355	9	88	310,782	382	9	131	289,968
1912	410	2	104	302,146	528	4	157	411,294
1913	474	6	61	395,034	578	5	181	393,369
1914	425	2	120	340,185	580	9	162	398,758
1915	367	6	104	362,766	390	3	54	261,704
Total	3,790	39	769	2,989,334	4,213	58	1,423	3,100,183
	BROKEN OR DEFECTIVE DRAFT GEAR.				BROKEN OR DEFECTIVE SIDE BEARINGS.			
1906	232	.....	44	$142,384	33	.....	15	$11,601
1907	237	1	55	134,043	65	1	11	36,555
1908	174	2	35	80,200	69	.....	22	41,354
1909	105	1	20	46,912	42	2	33	39,779
1910	148	1	17	87,931	55	1	5	41,523
1911	131	2	29	77,572	79	4	39	66,595
1912	177	6	48	110,456	177	1	94	125,785
1913	366	.....	43	229,492	134	1	66	86,312
1914	411	2	57	253,978	143	3	44	110,928
1915	280	3	41	173,106	141	.....	37	108,093
Total	2,261	18	389	1,336,074	938	13	366	668,525

[1] For the years prior to 1911 the figures for persons killed and injured are restricted to passengers and to employees on duty. Returns for electric railways are included in the figures for the same years.

Derailments due to defects of equipment for the 10 years ended June 30, 1915—Continued.

Year.	Number.	Persons—		Damage to road and equipment and cost of clearing wrecks.	Number.	Persons—		Damage to road and equipment and cost of clearing wrecks.
		Killed.	Injured.			Killed.	Injured.	
	BROKEN ARCH BAR.				RIGID TRUCKS.			
1906	105	1	25	$117,882	76	.....	58	$38,430
1907	109	1	23	86,638	91	.....	22	43,283
1908	136	4	47	118,517	76	.....	21	37,452
1909	129	.....	55	117,754	43	.....	20	31,607
1910	144	.....	30	140,810	68	4	24	37,154
1911	119	1	7	136,370	55	1	30	40,315
1912	257	8	130	275,828	184	2	66	124,979
1913	294	7	41	342,251	258	3	60	128,564
1914	276	1	66	278,695	217	.....	38	113,774
1915	222	6	77	269,817	177	4	65	92,057
Total	1,791	29	501	1,884,562	1,245	14	404	687,615
	FAILURE OF POWER-BRAKE APPARATUS, HOSE, ETC.				FAILURE OF COUPLERS.			
1906	213	6	33	$144,713	229	4	42	$89,719
1907	122	4	14	82,056	145	.....	18	66,728
1908	92	4	19	60,889	103	2	23	47,086
1909	141	3	41	75,472	169	4	18	78,658
1910	182	7	30	101,092	121	.....	14	50,461
1911	168	1	28	78,078	185	.....	27	94,264
1912	216	5	29	107,203	208	2	30	98,892
1913	313	.....	34	138,336	205	2	25	87,876
1914	260	1	25	130,631	233	2	18	116,134
1915	353	9	45	175,563	219	3	32	102,750
Total	2,060	40	298	1,094,033	1,817	19	247	832,568
	MISCELLANEOUS DEFECTS.				GRAND TOTAL.			
1906	273	6	154	$292,779	2,811	42	802	$2,226,153
1907	396	13	235	285,960	3,178	59	926	2,490,028
1908	337	6	146	235,370	2,796	37	831	2,176,194
1909	237	6	90	201,871	2,362	29	651	1,875,646
1910	270	10	143	227,364	2,734	40	636	2,227,352
1911	353	19	133	276,665	2,824	64	689	2,379,074
1912	455	23	259	423,546	3,847	68	1,197	3,165,033
1913	521	7	457	456,674	4,366	49	1,245	3,421,037
1914	512	15	276	468,918	4,186	50	1,074	3,358,088
1915	400	9	169	277,563	3,416	54	766	2,648,133
Total	3,754	114	2,062	3,146,710	32,520	492	8,817	25,966,738

Derailments due to defects of roadway for the 10 years ended June 30, 1915.[1]

Year.	Number.	Persons—		Damage to road and equipment and cost of clearing wrecks.	Number.	Persons—		Damage to road and equipment an cost of clearing wrecks.
		Killed.	Injured.			Killed.	Injured.	
	BROKEN RAIL.				SPREAD RAIL.			
1906	220	7	635	$254,862	168	2	146	$101,611
1907	308	12	699	284,675	206	5	166	109,607
1908	238	16	433	296,327	200	1	164	138,160
1909	196	5	498	191,842	130	2	94	65,811
1910	243	24	369	293,899	171	7	152	147,597
1911	249	12	463	292,749	153	4	192	102,433
1912	363	52	1,065	511,778	251	6	256	154,235
1913	340	17	827	401,551	231	8	246	125,499
1914	311	24	810	387,053	217	3	147	126,327
1915	272	6	527	342,342	90	3	147	55,339
Total	2,740	175	6,326	3,257,078	1,817	41	1,710	1,126,619
	SOFT TRACK.				BAD TIES.			
1906	180	4	166	$111,115	25	.....	25	$14,473
1907	182	5	216	173,155	45	.....	16	16,955
1908	151	.....	167	136,839	42	.....	43	24,347
1909	114	4	77	72,901	36	.....	5	11,495
1910	110	1	250	74,769	31	1	12	18,096
1911	108	1	128	66,192	41	.....	17	18,972
1912	327	13	294	228,079	52	.....	30	20,492
1913	299	5	113	162,579	59	2	110	34,784
1914	356	.....	218	254,265	62	3	113	29,760
1915	354	3	292	191,456	61	3	39	27,384
Total	2,181	36	1,921	1,471,350	454	9	410	216,758
	SUN KINK.				IRREGULAR TRACK.			
1906	13	1	9	$8,113	232	8	226	$145,624
1907	18	1	40	33,664	272	5	230	253,296
1908	28	1	93	31,783	211	6	189	144,505
1909	14	1	14	28,749	175	3	96	107,282
1910	28	.....	33	16,372	202	3	225	149,295
1911	30	3	62	51,207	179	5	130	122,526
1912	22	2	61	11,214	531	15	743	389,591
1913	31	1	140	47,638	533	14	370	408,390
1914	27	3	21	22,701	512	12	227	378,383
1915	32	2	96	29,374	415	11	231	290,032
Total	243	15	569	280,815	3,262	82	2,667	2,388,924
	MISCELLANEOUS DEFECTS.				GRAND TOTAL.			
1906	449	16	401	$282,258	1,287	38	1,608	$918,056
1907	497	30	616	383,762	1,528	58	1,983	1,295,114
1908	545	21	472	314,464	1,415	45	1,561	1,086,425
1909	315	9	376	224,009	980	24	1,100	702,089
1910	326	6	290	211,929	1,111	42	1,331	911,957
1911	465	32	568	353,381	1,225	57	1,560	1,007,460
1912	331	14	317	226,071	1,877	102	2,766	1,541,460
1913	466	23	424	403,488	1,959	70	2,220	1,583,929
1914	403	21	451	317,854	1,888	66	1,987	1,516,343
1915	283	15	208	184,656	1,507	43	1,540	1,120,583
Total	4,080	187	4,123	2,901,872	14,777	545	17,726	11,643,416

[1] For the years prior to 1911 the figures for persons killed and injured are restricted to passengers and to employees on duty. Returns for electric railways are included in the figures for the years 1906 and 1907.

APPENDIX D.

POINTS DECIDED BY THE COMMISSION IN REPORTED CASES, WITH INDEX OF POINTS DECIDED AND TABLE OF CASES.

POINTS DECIDED IN REPORTED CASES.

Transit regulations on grain and dried beans at points on the Michigan Central Railroad. (32 I. C. C., 38.)

4029. Increased rates on dried beans and grain from points on the Detroit & Mackinac Railway to points on the Michigan Central Railroad and its connections, which would result from the cancellation by the Michigan Central Railroad of transit rules and charges applicable to such traffic, not justified.

Industrial Railways Case. (32 I. C. C., 129.)

4030. Findings in original report modified in accord with principles announced by the Supreme Court in the *Tap Line cases*, 234 U. S., 1.

Kansas Wholesale Grocery Co. v. *Ahnapee & Western Railway Co.* (32 I. C. C., 139.)

4031. Rate of 35 cents per 100 pounds on potatoes from Wisconsin and Minnesota producing territory to Independence and Coffeyville, Kans., found to be unduly prejudicial to Independence and Coffeyville and unduly preferential to Chanute, Kans., and Bartlesville, Okla., and other Kansas and Oklahoma points, in so far as it exceeds the rate to Chanute and other Kansas points by more than 1½ cents.

Inman, Akers & Inman et al. v. *Atlantic Coast Line Railroad Co.* (32 I. C. C., 146.)

4032. Compression of export cotton at the port of transshipment held not to be a service rendered by the owner of the property transported which is "connected with such transportation" by the rail carrier and that the carrier must cease from making allowance for such compression.

United States Button Co. v. *Chicago, Rock Island & Pacific Railway Co.* (32 I. C. C., 149.)

4033. Defendant switches carload freight over its spur track located in Third Street, Muscatine, Iowa, between its connections and industries on the south side of said street, at fixed tariff charges, but refuses to perform a like switching service between its connections and complainant's industry on the north side of said street at the same or any charge. On the facts of record; *Held*, that the effect of this practice is to subject complainant to an unlawful discrimination which defendant should remove.

National Baggage Committee v. *Atchison, Topeka & Santa Fe Railway Co.* (32 I. C. C., 152.)

4034. Defendants' rates and charges for the transportation in interstate commerce of excess baggage not shown to be unreasonable.

4035. Defendants' rates and charges for the transportation in interstate commerce of baggage of excess value found to be unreasonable. Reasonable rates and charges prescribed as maxima for the future.

Curry & Whyte Co. v. *Duluth & Iron Range Railroad Co.* (32 I. C. C., 162.)

4036. Allegation of discrimination against pulp wood in rates from Duluth, Minn., as compared with rates from Superior, Wis., disposed of by separate order.

4037. Distance scale prescribed in *Pulp & Paper Mfrs. Traffic Asso.* v. *C. M. & S. P. Ry. Co.*, 27 I. C. C., 83, applicable from points of origin in Minnesota to Duluth as parts of through rates on interstate shipments, adhered to.

4038. Allegation that defendant Duluth & Iron Range Railroad assessed charges on shipments of pulp wood upon incorrect distances not properly presented in the record and therefore not passed upon.

4039. Duluth & Northern Minnesota Railway Company held to be engaged in interstate transportation.

Iowa & Southwestern Railway Co. v. *Chicago, Burlington & Quincy Railroad Co.* (32 I. C. C., 172.)

4040. Defendant required to establish, in connection with the complainant, through routes via Clarinda, Iowa, with joint rates applicable thereto which shall place College Springs on a rate parity with Coin, Bradyville, and Shambaugh, Iowa.

4041. Defendant also required to receive cars from complainant at Clarinda for switching to industries located on defendant's tracks there, and to establish a reasonable switching charge for the service.

Rates on blackstrap molasses to Kansas City, Mo., and other points. (32 I. C. C., 176.)

4042. Proposed increased rates on blackstrap molasses in carloads from points in Louisiana to points in Missouri, Nebraska, Kansas, and Iowa, being the same rates which govern the transportation of all other grades of molasses from the same points of origin to the same points of destination, found to be reasonable. Order of suspension vacated.

Class and commodity rates between Shreveport, La., and Texarkana, Ark.-Tex. (32 I. C. C., 180.)

4043. Proposed increased class rates between Shreveport, La., and Texarkana, Ark.-Tex., and proposed increased rates on beer, beer substitutes, and agricultural implements in carloads from Shreveport to Texarkana, and on candy in less than carloads from Texarkana to Shreveport, found to be justified.

4044. That portion of Fourth Section Application No. 620, filed on behalf of respondents, which seeks authority to continue rates on classes and commodities between Shreveport, La., and Texarkana, Ark.-Tex., which are lower than the rates on classes and commodities from, to, and between intermediate points, denied.

Middletown Car Co. v. *Pennsylvania Railroad Co.* (32 I. C. C., 185.)

4045. The complaint seeks the extension of the fabrication-in-transit privilege applicable to bridge and building steel, and to steel entering into underframes for railroad cars; *Held*, That there is no peculiar requirement incident to the pressed-steel car industry, as is the case in the bridge and structural steel industry, which necessitates the extension of the fabrication-in-transit privilege to the pressed-steel car industry with respect to the steel underframes for railroad cars.

Portland Chamber of Commerce v. *Chicago, Milwaukee & St. Paul Railway Co.* (32 I. C. C., 188.)

4046. First and second class ratings on bakery goods in cartons and tins, in crates and in boxes and barrels, in less than carloads, for interstate shipments from points in Oregon and Washington to points in Oregon, Washington, California, Idaho, and Montana, found to be unreasonable and third-class rating prescribed for future.

Texas Refining Co. v. *Alabama & Vicksburg Railway Co.* (32 I. C. C., 192.)

4047. Rates on lard substitute from Greenville, Tex., to points in Oklahoma, Arkansas, Louisiana, Mississippi, and New Mexico found to be unreasonable, and reasonable rates prescribed for the future.

Eagle Distillery, Incorporated, v. *Louisville, Henderson & St. Louis Railway Co.* (32 I. C. C., 195.)

4048. Rates on distillers' supplies from various points to Stanley, Ky., and on distillery products from Stanley to various points not found unjustly prejudicial to Stanley in favor of Owensboro and Henderson, Ky. Where it is alleged that a difference in rates constitutes unlawful discrimination against one point and undue preference in favor of another and the same rates are sought as a remedy therefor, the evidence should show that the circumstances and conditions of transportation at the respective points are substantially the same. Complaint dismissed.

International Agricultural Corporation v. *Atlanta & West Point Railroad Co.* (32 I. C. C., 199.)

4049. The tariffs involved properly construed apply to shipments of sulphuric acid in tank cars.

4050. Penalty charges for delay in unloading shipments of sulphuric acid involved in this complaint found to be unreasonable and reasonable charges prescribed for the future. Reparation awarded.

Chamber of Commerce of Houston, Tex., v. *Houston East & West Texas Railway Co.* (32 I. C. C., 203.)

4051. Present adjustment of rates from Houston, Tex., St. Louis and Kansas City Mo., and New Orleans, La., to stations in Arkansas, not found to be unduly prejudicial to the first-named point or unduly preferential to the latter three points.

Class rates from Terre Haute, Ind., and other points to Kansas City, Mo., and other destinations. (32 I. C. C., 206.)

4052. Proposed increased rates on carload and less-than-carload traffic from Terre Haute, Ind., to points on the Missouri River found to be justified. Order of suspension vacated.

Standard Vitrified Brick Co. v. *Chicago, Burlington & Quincy Railroad Co.* (32 I. C. C., 208.)

4053. Upon rehearing, rate of 12½ cents per 100 pounds on brick (except bath, tile, and enameled) in carloads from points in the Kansas gas belt to stations in Iowa on the Chicago, Burlington & Quincy Railroad not found unreasonable, and proposed increase from 10 to 12½ cents per 100 pounds from the same points of origin to certain stations in Iowa on the Chicago, Rock Island & Pacific Railway found justified.

New York Produce Exchange v. *New York Central & Hudson River Railroad Co.* (32 I. C. C., 212.)

4054. Ex-lake export rates on grain from Buffalo, N. Y., to New York City found not to be unreasonable. Complaint dismissed.

Central West Virginia Glass Manufacturers Asso. v. *Baltimore & Ohio Railroad Co.* (32 I. C. C., 218.)

Rates on window glass from producing points in Clarksburg, W. Va., territory to destination points west and east considered; *Held*, That—

4055. The four points of Weston, Salem, West Union, and Clarksburg should be grouped and take the Clarksburg rate.

4056. The Clarksburg group should be put on same basis as the Pittsburgh group with respect to westbound rates, and present rates found unreasonable and discriminatory.

4057. The eastbound rates were not shown to be unreasonable.

4058. Reparation denied.

Oklahoma Portland Cement Co. v. *Arkansas, Louisiana & Gulf Railway Co.* (32 I. C. C., 221.)

Cement rates from Ada, Okla., to all points in the state of Louisiana west of the Mississippi River; southern Arkansas, and certain destinations in eastern Texas, considered; *Held*, That—

4059. Ada should be put on a 3-cent differential under the Kansas gas belt rates to the Arkansas destination points and 2-cent differential under the Kansas gas belt rates to the Louisiana and Texas points.

4060. The St. Louis, Iron Mountain & Southern Railway Company will be required to establish through routes from Ada to the destination points on its line to which it operates through routes from the Kansas gas belt, and the rates applicable via such through routes will be governed as indicated above.

4061. A carrier may not by rate adjustments reserve the territory it serves for plants located on its own lines. *Lumber rates from Texas, Louisiana, and Arkansas*, 28 I. C. C., 471, followed.

Commercial Club of Joplin, Mo., v. *Missouri Pacific Railway Co.* (32 I. C. C., 226.)

Upon complaint alleging unreasonableness and unjust discrimination in various rates to and from Joplin, Mo., as compared with rates to and from Kansas City and Springfield, Mo., *Held:*

4062. No testimony having been offered with respect to rates on news print paper from Minnesota points, or on petroleum and its products from Chicago rate points, to Joplin, these rates can not be considered.

4063. The complaint as to commodity rates on imports from New Orleans and other Gulf ports, and commodity rates from points in Oklahoma, Arkansas, Louisiana, and Texas, to Joplin, not sustained by competent evidence. Indefinite general attacks upon the tariffs, accompanied by mere showing of lack of uniformity in the rates to different destinations on diversified commodities, not sufficient to establish unlawfulness.

4064. Existing class and commodity rates from St. Louis, Mo., to Joplin, applied as parts of through rates on shipments originating east of the Mississippi River, not found to be unreasonable or unjustly discriminatory. No such similarity of traffic or transportation conditions exists between Joplin and Kansas City as to justify prescribing proportional rates to Joplin as prayed for.

4065. As to outbound rates from Joplin to points in Kansas, Oklahoma, and Arkansas, no basis for an order is laid. Carriers called upon to correct inequalities growing out of abrupt increases in rates to points just beyond the limits of the application of so-called jobbers' rates.

St. Matthews Produce Exchange v. *Louisville & Nashville Railroad Co.* (32 I. C. C., 233.)

4066. Charges assessed by defendants for the transportation of potatoes and onions from St. Matthews, Ky., and other stations to Cincinnati, Ohio, and via that point to central freight association territory not found unreasonable or to result in unjust discrimination against such points of origin and undue preference to Louisville.

4067. Local rates from St. Matthews and other stations, when used in connection with interstate shipments of potatoes and onions, via Louisville, Ky., found unreasonable and reasonable factors prescribed.

Eastern Shore Development Steamship Co. v. *Baltimore & Ohio Railroad Co.* (32 I. C. C., 238.)

4068. Refusal by the Baltimore & Ohio Railroad Company to establish through routes and joint rates in conjunction with complainant, a water line, between landings on Chesapeake Bay and its tributary waters on the one hand and points on the line of the Baltimore & Ohio Railroad Company and its connections on the other found to be unreasonable and unduly discriminatory.

Charles Warner Co. v. *Delaware, Lackawanna & Western Railroad Co.* (32 I. C. C., 244.)

4069. Defendants' tariff named rates of $1.85 per net ton and $2.25 per net ton, respectively, on cement in carloads from Nazareth, Pa., to "Bradford" and "Niantic," R. I., points on the New York, New Haven & Hartford Railroad. Complainant, relying upon that tariff, made certain shipments of cement from Nazareth which it consigned to "Bradford"; about a year previous to the movement of the shipments the New York, New Haven & Hartford Railroad Co. changed the name of the station formerly known as "Bradford" to "Melville," and the name of the station formerly known as "Niantic" to "Bradford"; defendants failed to note in their tariff the changes in station names until subsequent to the movement of complainant's shipments; the shipments moved to the station formerly known as "Niantic," but now known as "Bradford," which was the destination intended, and a rate of $2.25 per ton was charged; *Held*, That complainant having relied upon the rate as lawfully published in an effective tariff is entitled to reparation for damages sustained.

Chamber of Commerce, Houston, Tex., v. *International & Great Northern Railway Co.* (32 I. C. C., 247.)

Class rates and certain commodity rates from Houston, Tex., to interior Louisiana points attacked as unreasonable *per se* and unduly prejudicial; *Held*, That—

4070. It is not unreasonable that the New Orleans-Texas common-point scale be applied as a maximum between Houston and points in interior Louisiana.

4071. Some discrimination is necessarily incident to any group system of rate making, and a group which has been long established and has proved satisfactory to both carriers and shippers should not be disrupted in the absence of proof that the discrimination is undue.

4072. When rates are attacked as unduly prejudicial and an equalization of rates is requested, it should be shown that the transportation conditions existing in the localities under comparison are substantially similar. In the absence of such proof a finding of discrimination can not be predicated solely on a disparity in rates.

4073. Rates from Houston to interior points in Louisiana should not exceed the combinations on the so-called gateways, such as Shreveport, Alexandria, and Eunice existing just prior to September 7, 1913. For the convenience of shippers these rates should be published as through rates.

4074. The burden of establishing the reasonableness of increased rates, imposed upon the carriers by the act, is not removed by the fact that the publication of the lower rates previously existing was due to an error; but this fact may be considered by the Commission in passing upon the reasonableness of the increased rates.

4075. A disparity between two rates can be removed as logically by a reduction of the higher rate as by an increase in the lower rate. In the absence of proof that the higher rate is reasonable a carrier which advances a rate to the level of another rate does not sustain the burden of proof imposed by the statute merely by pointing out that the object of the increase was to remove the disparity.

4076. The fact that a commodity rate exceeds the corresponding class rate does not of itself prove that the commodity rate is unreasonable.

4077. The fact that a rate between two points is higher on traffic moving in one direction than on traffic moving between the same points in the opposite direction is not of itself proof of the unreasonableness of the higher rate.

4078. Certain increases in rates from Houston to certain points in Louisiana found to be justified; others found to be unreasonable.

Standard Mirror Co. v. *Pennsylvania Railroad Co.* (32 I. C. C., 261.)

4079. Reparation awarded for the amount in controversy.

Underwood Veneer Co. v. *Ann Arbor Railroad Co.* (32 I. C. C., 265.)

Complainant attacks rates on veneer and built-up wood from Wausau, Wis., to points in the southern peninsula of Michigan as unreasonable and discriminatory; *Held*, That—

4080. The fact that a classification has long existed is persuasive that it is reasonable.

4081. The value of an article is one element to be considered in determining the reasonableness of a rate.

4082. The fact that a carrier, to put different gateways on a parity, voluntarily establishes an intrastate rate to one gateway beyond the state does not imply that the same rate must necessarily be established to other points differently situated.

4083. Complainant's contention that lumber rates should be applied to veneer not sustained. Complaint dismissed.

C. G. Blake Co. v. *Minneapolis, St. Paul & Sault Ste. Marie Railway Co.* (32 I. C. C., 270.)

4084. Reparation awarded on account of an unreasonable and unlawful practice affecting the receipt and charge for transportation of coal from Manitowoc, Wis., to St. Paul, Minn., due to the fact that the shipments were delivered to defendant by carriers from the mines in West Virginia in gondola cars the sides of which exceeded 52 inches in height, and which defendant desires to keep off its line.

Mobile Chamber of Commerce v. *Mobile & Ohio Railroad Co.* (32 I. C. C., 272.)

The complaint is a general attack upon the reasonableness of export cotton rates from all points in the southeast located on the lines of the defendants to Mobile, and an attack on certain practices of the carriers serving Mobile; *Held*, That—

4085. The record does not warrant a finding of unreasonableness of the rates attacked.

4086. The system of rates designated as "penalty rates" discussed and defendants required to abandon system, and to establish a rate from the point of origin to the compress point which shall be no more than a reasonable local.

4087. Discrimination against Mobile found to exist under penalty rate system, and carriers serving compress points from points of origin required to join in through routes with joint rates from such points of origin to Mobile.

4088. Discrimination in rates found to exist prejudicial to Mobile as compared to Savannah, and defendants who participate in these rates required to readjust them, removing this discrimination.

4089. The rate from Memphis to Mobile is a compelled rate and is not a proper basis for adjusting other rates not similarly circumstanced.

4090. Complaint as to preference to certain steamship lines by certain of the defendants in the matter of docking facilities at Mobile specifically dealt with in *Mobile Chamber of Commerce* v. *M. & O. R. R. Co.*, 23 I. C. C., 417. The order issued in this case was vacated and set aside, it being shown that the requirements contained in the order had been acquiesced in by the defendants. If these requirements are not being complied with, the proper steps may be taken to enforce compliance with the views expressed in the report in this case.

4091. The defendants owning docks or serving docks at Mobile required to establish an interchange switching system, so that any of these docks may be available to shippers located on any of the lines serving Mobile or any of their connecting lines. *Waverly Oil Works* v. *P. R. R. Co.*, 28 I. C. C., 621, distinguished.

4092. The charges for this terminal switching should be assessed on the basis of being an additional service, and should be reasonable and compensatory. From the record, 3 cents per 100 pounds seems agreeable to all concerned as both reasonable and compensatory, and is fixed as the charge for switching cars of cotton for export from interchange point to dock or wharf served.

4093. The export cotton rates to Mobile should hereafter be quoted as for station delivery or for delivery at points of interchange at Mobile, and the terminal charge for ship-side delivery should be stated as an additional charge. But nothing herein should be taken as authorizing an increase in the present through rates to ship side.

4094. The "through bill of lading" issued on export cotton shipments entails no responsibility on the part of the rail carrier as a common carrier after it delivers the shipment at its dock or after it is delivered to the connecting carrier at its interchange track in Mobile. *Mobile Chamber of Commerce* v. *M. & O. R. R. Co.*, 23 I. C. C., 417–425, quoted and followed.

4095. The agent of carriers defendant at point of origin should issue through bills of lading when the shipper simply designates the wharf or dock in Mobile at which he wishes delivery made.

4096. "City cotton," when delivered to a carrier defendant at its station proper in Mobile or at its interchange track, should be delivered to the dock or wharf served by it at the uniform terminal charge and should be subject to same provisions as to free time and demurrage as other export cotton.

4097. Cotton shipped into Mobile as local, when later declared to be export, should take the export cotton rate to Mobile station proper plus the terminal charge.

W. A. Griffing v. *Chicago & North Western Railway Co.* (32 I. C. C., 283.)

4098. Rates on motorcycles from eastern points to points west of the Mississippi River found to be unreasonable to the extent that the part of the several rates for the haul west of the river, governed by western classification, exceeds the first-class rate for carload shipments and one and one-half times the first-class rate for less-than-carload shipments.

4099. Paid freight bills alone do not constitute such clear and definite proof of damage as is required to authorize reparation on account of the charging of an unreasonable rate, and affidavits, when objected to by defendants, can not be received as evidence of complainants' damage.

Lindsay & Co. v. *Northern Pacific Railway Co.* (32 I. C. C., 287.)

4100. Rates on grapes from producing points in the States of New York, Pennsylvania, Michigan, Iowa, Missouri, and Kansas to points in Montana and Wyoming not found to be unreasonable. Complaint dismissed.

Gravel and sand switching charges at Chicago, Ill. (32 I. C. C., 291.)

4101. Proposed cancellation of absorption of switching charges on sand and gravel from points in Wisconsin and Illinois to Chicago, Ill., and points in Indiana within the Chicago switching district found to be justified, and order of suspension vacated.

Board of trade of Kansas City, Mo., v. *St. Louis & San Francisco Railroad Co.* (32 I. C. C., 297.)

4102. Proportional rates, Kansas City to Memphis, of 14 cents per 100 pounds on wheat and products and of 13 cents per 100 pounds on coarse grain and products found not to be unreasonable *per se* and not to be unjustly discriminatory as compared with rates from Omaha to Memphis 1 cent per 100 pounds

higher than from Kansas City. Follows *Kansas City Transportation Bureau* v. *A., T. & S. F. Ry. Co.*, 16 I. C. C., 195, where the same rates were attacked.

4103. The changes asked for would affect not merely the grain traffic from Kansas City and Omaha to Memphis and the southeast, but would also have a bearing upon the traffic from numerous competing markets to the destination territory here involved, as well as to other destinations.

4104. "A proportional rate means a part of or a remainder of the through rate or it means nothing at all, and in a case of this kind there must be an examination and consideration of the entire rate from point of production to ultimate destination. It is not sufficient to consider the rates to an intermediate market nor alone the rates from such market, if the question of discrimination between such markets is to be determined." *Kansas City Traffic Bureau* v. *A., T. & S. F. Ry. Co. supra.*

4105. "It is not within the power of this Commission to equalize economic conditions or to place one market in a position to compete on equal terms with another market as against natural advantages. Nor have we the power to require railroads, in the face of varying trade conditions, to adjust their rate schedules in such manner as to insure to a market the continuance of a trade it has once enjoyed." *Baltimore Chamber of Commerce* v. *B. & O. R. R. Co.*, 22 I. C. C., 596.

4106. The complaint in so far as it relates to through rates from Kansas City and Omaha to Mississippi Valley destinations held in abeyance pending decision in Investigation and Suspension Docket No. 501.

4107. No action found necessary with respect to Fourth Section Application No. 2045.

The Board of Railroad Commissioners of the State of Montana v. *Atchison, Topeka & Santa Fe Railway Co.* (32 I. C. C., 316.)

4108. Rates for the transportation of cotton and cotton linters in carloads from certain points in southern Texas to Butte, Mont., found to be unreasonable, and reasonable rates prescribed for the future.

Hoyt & Bergen v. *Chicago & North Western Railway Co.* (32 I. C. C., 319.)

Complaints were brought against the Chicago & North Western Railway Company because of its refusal to provide for stoppage in transit to finish loading of interstate shipments of live stock. Upon protests filed with the Commission, tariffs of other western carriers canceling stoppage-in-transit provisions were suspended pending inquiry. In order to secure full information regarding stoppage in transit of live stock to complete loading or for partial unloading, the Commission instituted an investigation, on its own motion, of this practice throughout western classification territory. One of the complaints under consideration also attacks the rule of the Chicago & North Western Railway which makes the rate applicable on mixed carloads of live stock the rate prescribed for the highest rated class of stock in the car, subject to the highest minimum weight for any class of stock in the car; *Held*, That—

4109. The discontinuance of the practice of stopping live-stock cars in transit to complete loading or for partial unloading is not unreasonable. Orders entered dismissing the complaints in Nos. 5850, 4972, and 4972 (Sub-No. 1), and vacating the suspensions in Investigation and Suspension Docket Nos. 410 and 498.

4110. Carriers' rule as to mixtures not found to be unreasonable upon the very meager evidence submitted on that point.

The Five Per cent Case. (32 I. C. C., 325.)

4111. Findings of original report modified in the light of the changed situation disclosed.

Crowdus Brothers v. *Atchison, Topeka & Santa Fe Railway Co.* (32 I. C. C., 355.)

4112. Upon review of the record, order in No. 6021 prescribing future rates rescinded.

4113. Previous findings that between August 1, 1911, and April 1, 1913, the rates on hides and pelts from points in Oklahoma to St. Louis, Mo., East St. Louis and Chicago, Ill., Milwaukee, Wis., and other points should not have exceeded the rates contemporaneously in effect on packing-house products, and that from Oklahoma City, Fort Worth, and Wichita, as typical of groups of origin, the rates on hides and pelts to St. Louis and East St. Louis should have been

adjusted on the basis of Oklahoma City 3 cents higher than Wichita and 5½ cents lower than Fort Worth, confirmed.

4114. Within the designated period the local rates on hides and pelts to St. Louis and East St. Louis, and points taking the same rates, should have been 27½ cents from Oklahoma City and 32½ cents from Fort Worth.

4115. Testimony as supplemented found not to justify an award of reparation.

4116. Increased rates from points in Oklahoma to St. Louis territory and to certain Michigan points, suspended in Investigation and Suspension Docket No. 447, not justified. Future rates prescribed.

Freight rates between points in Minnesota via interstate routes and between points in Minnesota and other States. (32 I. C. C., 361.)

4117. Proposed increased class rates between Duluth, Minn., and related points on the one hand, and St. Paul and Minneapolis, Minn., and related points on the other hand, and proposed increased commodity rates from and to the same and other points, found to be justified except as to cement, lime, and plaster, and except in so far as violations of the long-and-short-haul rule of the fourth section would result from such rates. The proposed rates on cement, lime, and plaster are found not to be justified.

Cement rates between points in Illinois and points in Minnesota and other states. (32 I. C. C., 369.)

4118. Proposed increased rates on cement in carloads from Chicago, Ill., and certain other points to St. Paul and Minneapolis, Minn., and to points in Wisconsin found to have been justified.

4119. Proposed increased rates on cement in carloads from Mason City and Des Moines, Iowa, to St. Paul and Minneapolis found to have been justified in part only.

4120. Proposed increased rates on cement in carloads from Iola and related points in the state of Kansas to St. Paul and Minneapolis found not to have been justified.

4121. Proposed increased rates on cement in carloads from Mankato, Minn., to Chicago found to be justified.

Baltimore switching charges. (32 I. C. C., 376.)

4122. Proposed increased rates for switching interstate traffic between points on lines of Baltimore & Ohio Railroad in Baltimore, Md., and between those points and adjacent territory found to be justified. Order of suspension vacated.

Rating on live poultry in western trunk-line territory. (32 I. C. C., 380.)

4123. Proposed increase from fourth class to third class in the rating on live poultry in carloads in western trunk line and trans-Missouri territories found to be justified.

Corporation Commission of Oklahoma v. *Kansas City, Mexico & Orient Railway Co.* (32 I. C. C., 384.)

4124. Greater commercial advantages for the disposition of cotton at Wichita Falls, Tex., than at Altus, Okla., and the fact that no charges are made by the compress at the former point for the handling or storage of concentrated cotton, while such charges are made by the Altus compress, held not to justify an order requiring the establishment of additional routes for the transportation of cotton from points in Oklahoma on the Kansas City, Mexico & Orient Railway to Galveston, Tex., with compression at Wichita Falls, when the several existing routes, with privilege of compression by the carriers at Altus, are neither unsatisfactory nor unduly long. Complaint dismissed.

The Tailboard Cases. (32 I. C. C., 387.)

4125. Complainants' contention that defendants' rules and regulations at their terminals in Philadelphia, New York, and Cincinnati in regard to the delivery and receipt of less-than-carload freight are unreasonable and unjustly discriminatory not sustained. Complaints dismissed.

Tanners' Supply Co. v. *Louisville & Nashville Railroad Co.* (32 I. C. C., 394.)

4126. Rates on liquid tanning extract in tank cars from Knoxville, Tenn., to Michigan destinations found not to be unreasonable *per se* or unjustly discriminatory as compared with rates from Knoxville to points in Illinois, Wisconsin, New York, Pennsylvania, and Ontario.

4127. Upon the record in the present case the rating of fifth class for liquid tanning extract in official classification not found to be unjust.

Bellgrade Lumber Co. v. *Illinois Central Railroad Co.* (32 I. C. C., 403.)

4128. Rate of 12 cents on lumber of all kinds from Memphis, Tenn., to New Orleans, La., found not to be unreasonable, and complaint dismissed.

4129. Rates on hardwood lumber, other than gum, from points south of Memphis, Tenn., to New Orleans, La., found to be unreasonable, and carriers required to maintain lower rates found to be reasonable.

Grain & Hay Exchange of Pittsburgh v. *Pennsylvania Co.* (32 I. C. C., 409.)

4130. Refusal of defendants to provide certain transit arrangements on grain and grain products at Pittsbugh, Pa., not found to be unreasonable or unjustly discriminatory. Complaints dismissed.

4131. Proposed withdrawal of certain features of respondents' present transit arrangements on grain and grain products at Pittsburgh found to be justified, and order of suspension vacated.

Goodner-Malone Produce Co. v. *Denver & Rio Grande Railroad Co.* (32 I. C. C., 414.)

4132. Rate for the transportation of green fruits in carloads from Provo, Utah, to Muskogee and McAlester, Okla., found unduly discriminatory as compared with the rate to Fort Smith, Ark. Reparation denied.

Salt Lake Mattress & Manufacturing Co. v. *Atchison, Topeka & Santa Fe Railway Co.* (32 I. C. C., 417.)

4133. Rates on cotton linters from producing points in Texas, Oklahoma, Louisiana, and Arkansas, and from Memphis, Tenn., to Salt Lake City and Ogden, Utah, and points taking the same rates, found to be unjustly discriminatory against Salt Lake City and Ogden and unduly preferential to Denver, Colo., and points taking the same rates, and to the California and the north Pacific coast terminals.

Rules governing shipments of packing-house products and other freight shipped in peddler cars. (32 I. C. C., 428.)

4134. Proposed increased minimum weight applicable to packing-house products and other commodities shipped in peddler cars between points in western trunk line territory found not to have been justified.

Merchants & Manufacturers Asso. v. *Pennsylvania Railroad Co.* (32 I. C. C., 434.)

4135. Upon rehearing conclusions in original report modified, and defendants required to establish charges for the interchange of interstate traffic in carloads in Baltimore, Md., herein found to be reasonable.

American National Live Stock Asso. v. *Southern Pacific Co.* (32 I. C. C., 438.)

4136. Through routes and joint rates established for the transportation of live stock in carloads from certain points in Arizona to feeding grounds in California. To those rates there may be added for branch-line hauls and for hauls over two or more lines, respectively, the amounts named in this report.

4137. The decision in *American National Live Stock Asso.* v. *S. P. Co.*, 26 I. C. C., 37, that rates for the transportation of stock cattle and of stock sheep from points in Arizona to points in California should not exceed 85 per cent of the rates on fat cattle and fat sheep, adhered to.

Switching charges on coal and coke within the Chicago switching district. (32 I. C. C., 444.)

4138. Proposed increased rates on bituminous coal and coke from points in Ohio, Pennsylvania, Virginia, and West Virginia to Chicago & North Western stations, Peterson Avenue, Crawford Avenue, Weber, and Greenwood Street, not justified in full. Reasonable maximum rates prescribed.

Transcontinental commodity rates to San Jose, Santa Clara, and Marysville, Cal. (32 I. C. C., 449.)

As result of the decisions in *Santa Rosa Traffic Asso.* v. *S. P. Co.*, 24 I. C. C., 46, and 29 I. C. C., 65, transcontinental carriers filed tariffs canceling the application of terminal commodity rates to San Jose, Santa Clara, and Marysville, while continuing such rates to certain other California points. Upon complaint filed before the tariffs became effective; *Held*,

4139. The filing and serving of a formal complaint against proposed increased rates does not relieve carriers of the burden of proof imposed upon them by law.

4140. The duty of carriers to justify proposed increased rates includes the relative reasonableness as well as the reasonableness *per se* of the rates.

4141. The amendment to the fourth section of the act to regulate commerce prohibiting increases in rates reduced to meet water competition can not be applied to the present transcontinental commodity rates to interior California points for reasons stated.

4142. When the question of freight rates enters into the competition of cities and towns in any respect whatsoever, whether that competition is one for trade, industries, or population, complaints alleging unjust discrimination will be entertained by the Commission.

4143. The proposed withdrawal of terminal commodity rates to San Jose, Santa Clara, and Marysville, which are not directly reached by Atlantic-Pacific ocean lines, while continuing such rates to other interior California points not directly reached by said ocean lines, would subject San Jose, Santa Clara, and Marysville to unjust discrimination. Suspended tariffs found not to have been justified.

American Round Bale Press Co. v. *Atchison, Topeka & Santa Fe Railway Co.* (32 I. C. C., 458.)

Cotton shipped from gin points in Arkansas, Oklahoma, and Texas to Houston, Tex., and the ports of Galveston and Texas City, Tex., and New Orleans, La., is usually compressed in transit, for which service the railroads pay to compress companies 10 cents per 100 pounds. Upon cotton which is already compressed when offered to the carriers for transportation, and will, therefore, cost them nothing in the way of compress charges, they make a rate of 10 cents per 100 pounds less than that upon cotton to be compressed in transit. The net revenue to the carriers is the same in both cases. Complainants, however, who are interested in the manufacture of machines for the compressing of cotton at the gin into bales of especially high density, and shippers of cotton so compressed, attack the existing any-quantity rates as unreasonable and unduly discriminatory when applied to bales of high density which will load 50,000 pounds to a car, and asks that carload rates with a 50,000-pound minimum be established; *Held*, that—

4144. The existing any-quantity rates on cotton are not unreasonable nor discriminatory, even when applied to bales of high density.

4145. The cotton industry in the southwest is so organized that the existing any-quantity rates are best suited to its needs, and the establishment of carload rates, though they might effect some economies in transportation cost, would tend unduly to concentrate the cotton-producing industry, especially in the light of the facts that the average product of a cotton farm of this region is not over 11 bales, and that a carload of cotton represents an investment of several thousand dollars. Complaint dismissed.

Class and commodity rates to and from Quincy, Ill., and groups. (32 I. C. C., 471.)

4146. Proposed increased class and commodity rates between Quincy, Ill., Hannibal and Louisiana, Mo., and points taking the same rates, on the one hand, and points in trunk line and central freight association territories, on the other hand, found not to have been justified.

Crow's Nest Pass Coal Co. v. *Great Northern Railway Co.* (32 I. C. C., 479.)

4147. Demurrage charges on certain cars of coal at Republic, Wash., found to have been assessed in accordance with tariff provisions and complaint dismissed.

John W. Keogh v. *Minneapolis, St. Paul & Sault Ste. Marie Railway Co.* (32 I. C. C., 481.)

4148. Rates for the transportation of excelsior bolts in carloads from points in Wisconsin to St. Paul, Minn., found unduly prejudicial.

Rates on lumber and other forest products from points in Arkansas and other States to points in Iowa, Minnesota, and other States. (32 I. C. C., 484.)

4149. Petition for revision of the previous findings herein with respect to divisions considered. Petition denied with the exception of the reapportionment of the rate to Des Moines. First supplemental report and order modified to that extent.

Atlas Portland Cement Co. v. *Lehigh Valley Railroad Co.* (32 I. C. C., 487.)

4150. Upon advice of defendant's agent concerning the expected time of arrival of certain shipments of cement at its terminals in New York, N. Y., complainant sent teams to defendant's yards at the appointed time for the purpose of hauling the same away. Cars were four hours late in arriving at the terminal, and the claim here is for reparation in the amount of the teamsters' charges during the waiting period. Complaint dismissed for want of jurisdiction.

F. J. Lewis Manufacturing Co. v. *Denver & Rio Grande Railroad Co.* (32 I. C. C., 488.)

4151. Demurrage charges collected on an empty private tank car held at Colorado Springs, Colo., not found to have been unlawful. Complaint dismissed.

Knight Woolen Mills v. *Chicago & North Western Railway Co.* (32 I. C. C., 490.)

4152. Rates on scoured wool compressed in bales from Chicago, Ill., to Provo, Utah, and other Utah common points should not exceed $2.25 per 100 pounds in carloads, minimum weight 13,500 pounds, subject to rule 6–B of the western classification; and $3 per 100 pounds in less than carloads. Reparation awarded.

Rates on lumber from Anoka, Minn., and other points, to stations in South and North Dakota. (32 I. C. C., 494.)

4153. Proposed increased rates on lumber in carloads from Anoka and other points in the State of Minnesota to points in the States of South Dakota and North Dakota found not to be justified.

Rates on brick and tile from Creighton and Deepwater, Mo. (32 I. C. C., 497.)

4154. Proposed increase from 4 cents to 7 cents per 100 pounds in the interstate rate on drain tile and sewer pipe from Deepwater and Creighton, Mo., to Kansas City, Mo., not found to be justified, but an increase to 5 cents per 100 pounds permitted.

4155. Proposed increase from 5 cents to 7 cents per 100 pounds in the rate on hollow building tile from Deepwater and Creighton to Kansas City not found to be justified and schedules under suspension directed to be canceled.

4156. Proposed increase in the rate on brick from 6 cents to 7 cents per 100 pounds from Creighton, Mo., to Corral and Knox, Kans., and from 6¼ cents to 7 cents from Creighton, Mo., to Valley Falls, Kans., not found to be justified and schedules under suspension directed to be canceled.

St. Louis Cotton Exchange v. *Missouri, Kansas & Texas Railway Co.* (32 I. C. C., 501.)

4157. Rates on cotton from producing points in the state of Oklahoma to St. Louis, Mo., not found to be unreasonable or unduly discriminatory. Complaint dismissed.

Columbia Chamber of Commerce v. *Southern Railway Co.* (32 I. C. C., 504.)

4158. Upon rehearing the substance of our prior report in this case, 28 I. C. C., 339, is affirmed. That report, nevertheless, is changed as follows:

4159. Certain adjustments of class rates from particular eastern points of origin, which were not called to our attention at the first hearing, require a modification of the terms of our conclusions with respect to commodity rates from points from which the rates are made with relation to the rates from Baltimore, Md., to Columbia, S. C., and to Augusta, Ga.

4160. In view of the readjustment of rates in the southeast, now progressing, no order should issue at this time with respect to class and commodity rates from Cincinnati, Ohio, Louisville, Ky., and Knoxville, Tenn., to Columbia and to Augusta. The defendants are admonished, however, that substantial conformity to the conclusions announced in the prior report will be expected.

Switching charges at Milwaukee, Wis. (32 I. C. C., 509.)

4161. Proposed increased charges for switching in Milwaukee, Wis., found to be justified. Order of suspension vacated as of January 25, 1915.

American National Live Stock Asso. v. *Southern Pacific Co.* (32 I. C. C., 515.)

4162. Upon supplemental hearing the conclusion of the original report that rates for the transportation of sheep or goats in double-deck cars from points in Arizona to points in California should be the same as the rates on fat cattle, affirmed.

4163. Maximum additional charges for branch-line hauls, and for hauls over two or more lines, prescribed.

4164. Defendants required to provide in their tariffs that when a double-deck car is ordered, and two single-deck cars are furnished in lieu thereof, the charges shall be at the rate for a double-deck car of the size ordered, provided the shipment could have been loaded in a double-deck car.

Northbound rates on hardwood from the southwest. (32 I. C. C., 521.)

4165. Proposed increased rates northbound on hardwood and articles taking the same rates from the southwest to various points of destination found to be just and reasonable, with the following exceptions: (1) Rates which exceed the present rates on yellow-pine lumber for the same hauls; (2) rates from group A, which includes Cairo, Ill., and points from which the same rates apply, to Missouri River points and points taking the same rates or rates basing thereon, in so far as they exceed the present rates by more than 2 cents; and (3) rates from certain points in southeastern Arkansas which would be affected by a proposed change in the present groups of origin to St. Louis, Mo., East St. Louis, Cairo, and Thebes, Ill., and Memphis, Tenn., and points taking the same rates or basing thereon, in so far as they exceed the present rates by more than 2 cents.

4166. Proposed increased rates on yellow-pine and cypress lumber found not to be justified.

Rates on cement, lime, salt, and other commodities from St. Paul, Duluth, Minn., and other points, to stations in Montana. (32 I. C. C., 532.)

4167. Cancellation of a commodity rate on mixed carloads of cement, lime, plaster, roofing pitch, and salt from St. Paul and Duluth, Minn., and other points at the head of the lakes, to stations in North Dakota and Montana found to be justified.

Rates on fertilizer material from Charleston, S. C. (32 I. C. C., 537.)

4168. Proposed increased rates on fertilizer material from Charleston, S. C., to Wilmington, Acme, and Navassa, N. C., found to have ben justified. Order of suspension vacated.

Cement rates from Duluth, Minn., Mason City and Des Moines, Iowa, to stations on the Midland Continental Railroad. (32 I. C. C., 540.)

4169. Proposed rates for the transportation of cement in carloads from Duluth, Minn., and Mason City and Des Moines, Iowa, to points in North Dakota on the Midland Continental Railroad found to have been justified, and order of suspension vacated.

Rates on coke from Chicago and Peoria, Ill., to St. Paul, Duluth, Minn., and other points. (32 I. C. C., 543.)

4170. Proposed increased rates on coke in carloads from St. Louis, Mo., Chicago, Waukegan, and Peoria, Ill., Milwaukee and other points in Wisconsin, and Menominee, Mich., to points in Minnesota other than Duluth and in Wisconsin, Iowa, and South Dakota, justified.

4171. Proposed increased rates on the same commodity from the same points of origin to Duluth, Minn., held unreasonable to the extent that they exceed $2.15 per ton.

Fox River Valley Manufacturers Asso. v. *Maine Central Railroad Co.* (32 I. C. C., 547.)

4172. Rates on classes and commodities to Aurora, Ill., and certain intermediate points from trunk line and central freight association territories found not to be unreasonable or unduly discriminatory. Complaint dismissed.

Class and commodity rates to Salt Lake City, Utah, and other points. (32 I. C. C., 551.)

4173. Proposed class and commodity rates from Missouri River points and Mississippi River points, Chicago, and intermediate territory, on the one hand,

and Utah common points on the other, found to have been justified, and order of suspension vacated.

Cudahy Packing Co. v. *Atchison, Topeka & Santa Fe Railway Co.* (32 I. C. C., 560.)

4174. Commodity rates for the transportation of packing-house products in mixed carloads with fresh meat, from Wichita and Kansas City, Kans., South Omaha, Nebr., and South St. Joseph, Mo., to Utah common points, found to be unreasonable to the extent that they exceed the fifth-class rate. Case held open for proof of reparation claims.

Rates on clay from points in Georgia to eastern points. (32 I. C. C., 564.)

4175. Proposed increased rates on clay in carload quantities from points in Georgia and South Carolina to New York, N. Y., Boston, Mass., and other eastern points found not justified.

New York Dock Railway v. *Baltimore & Ohio Railroad Co.* (32 I. C. C., 568.)

4176. The facts shown of record do not justify compulsory establishment of through routes and joint rates between complainant and its trunk line connections.

4177. Where the portion of the general public involved is adequately served, where there is no apparent necessity or demand on the part of shippers for the establishment of through routes and joint rates, and where there is absence of unjust or unreasonable rates, practices, or discriminations, the Commission can not view with favor an effort to require the establishment of such routes and rates merely to enable a carrier to wrest from its connections or an agent to wrest from its principal greater compensation.

Michigan Steel Boat Co. v. *Michigan Central Railroad Co.* (32 I. C. C., 576.)

4178. Failure of carrier to state the name of the shipper in its freight bills found to be an unreasonable practice.

Car-ferry allowance at Cheboygan, Mich. (32 I. C. C., 578.)

4179. The cancellation by carriers of tariffs provided for certain car-ferry allowances at Cheboygan, Mich., is permitted.

Milburn Wagon Co. v. *Ann Arbor Railroad Co.* (32 I. C. C., 582.)

4180. Adjustment of rates from Toledo, on horse-drawn freight vehicles, farm wagons, carts, and dump wagons, to Illinois, Wisconsin, Minnesota, all states west of the Mississippi River, and to the Republic of Mexico, alleged to be inherently unreasonable and on a relatively higher basis than from Chicago, Milwaukee, Racine, and other indicated cities, to the undue and unreasonable preference and advantage of those places, in part by reason of excessive and unreasonable official classification ratings; *Held*, That with respect to traffic conditions, substantially as in the case of *Commercial Club of Terre Haute* v. *Vandalia R. R. Co.*, 29 I. C. C., 383, Toledo and the other cities are not similarly circumstanced, and the adjustment of rates from the former does not appear to be inherently or relatively unreasonable. Complaint dismissed.

Reshipping rates on grain from Omaha. (32 I. C. C., 590.)

4181. Proposed increased joint reshipping rates on wheat, corn, and articles taking the same rates in carloads from Omaha and South Omaha, Nebr., and Council Bluffs, Iowa, applicable via Mexico, Mo., to stations in Illinois on the line of the Chicago & Alton Railroad Company found not justified, and the suspended tariffs ordered to be canceled as to such rates.

4182. Proposed joint reshipping rates on those commodities in carloads from Omaha and South Omaha, Nebr., and Council Bluffs, Iowa, applicable via Mexico, Mo., to stations on the south branch of the Chicago & Alton Railroad Company, which extends from Mexico to the Missouri River, found to be reasonable, and order of suspension vacated as to those rates.

4183. Proposed joint reshipping rates on those commodities in carloads from Omaha and South Omaha, Nebr., and Council Bluffs, Iowa, applicable via Mexico, Mo., to stations on the line of the Chicago & Alton Railroad Company from Mexico to Blue Springs, Mo., are lower than the rates on combination or class rates now in effect. Order of suspension vacated as to the proposed rates to those points.

4184. That portion of Fourth Section Application No. 3178, filed by the Wabash Railroad Company, which asks authority to continue carload rates on

wheat, corn, and articles taking the same rates, from Omaha, Nebr., via Mexico, Mo., to points on the line of the Chicago & Alton Railroad Company east of the Mississippi River lower than those contemporaneously in effect on like traffic to intermediate points, denied.

Omaha Grain Exchange v. *Chicago & Alton Railroad Co.* (32 I. C. C., 597.)

4185. The complainant sought the establishment of joint reshipping carload rates by the Wabash Railroad Company in connection with the Chicago & Alton Railroad Company on wheat, corn, and articles taking the same rates, from Omaha and South Omaha, Nebr., and Council Bluffs, Iowa, via Mexico, Mo., to certain stations on the main line of the Chicago & Alton, and to all south branch stations of the Chicago & Alton from Mexico to the Missouri River. Prior to the hearing reasonable joint reshipping rates were published to the south branch points. Upon all the facts of record, *Held:* Joint reshipping rates to the main-line stations of the Chicago & Alton Railroad Company between Mexico and the Mississippi River have been shown to be necessary and proper, and should be published, taking the rate to the Mississippi River as a maximum. Reparation awarded on certain shipments to south branch stations.

Kansas-California flour rates. (32 I. C. C., 602.)

4186. This proceeding is supplementary to *Kansas-California Flour Rates*, 29 I. C. C., 459, *Arizona Wheat Rates*, 29 I. C. C., 424, and *Arizona Corporation Commission* v. *A. & N. M. Ry. Co.*, 29 I. C. C., 424. Following the decision in those cases the carriers involved asked permission to increase the rates on wheat and flour in connection with the general readjustment of rates contemplated by them, pursuant to the Supreme Court's decision in the *Intermountain cases*. Upon further hearing; *Held*, The defendant carriers having justified same as reasonable, increase proposed in the rate on flour in carloads from 65 to 75 cents per 100 pounds from points in Kansas, Nebraska, and neighboring States to California terminals permitted to become effective, provided the difference between the rates on wheat and flour does not exceed 8 cents; and provided further the rates on said commodities to the terminals are not exceeded at intermediate points.

Sugar rates from New Orleans, La., and points taking same rates to Ohio River crossings, Memphis, Tenn., St. Louis, Mo., and intermediate points. (32 I. C. C., 606.)

4187. Mileage scale shown in 31 I. C. C., at page 510, the original report herein, modified.

Commodity rates to Pacific coast terminals and intermediate points. (32 I. C. C., 611.)

4188. Carriers authorized to establish certain carload commodity rates from Missouri River territory to Pacific coast terminals lower than to intermediate points, provided the rates contemporaneously applicable on like traffic to intermediate points do not exceed 75 cents per 100 pounds.

4189. Carriers authorized to establish certain carload commodity rates from points in zones 2, 3, and 4 to Pacific coast terminals lower than to intermediate points, provided the rates from Missouri River territory to intermediate points are not exceeded by more than 15, 25, and 35 cents per 100 pounds from points in zones 2, 3, and 4, respectively.

4190. Carriers authorized to establish certain less-than-carload commodity rates from Missouri River territory to Pacific coast terminals lower than to intermediate points, provided the rates contemporaneously applicable on like traffic to intermediate points do not exceed $1.50 per 100 pounds on articles classified as first or second class and $1.25 per 100 pounds on articles classified as third or lower class in western classification.

4191. Carriers authorized to establish certain less-than-carload commodity rates from points in zones 2, 3, and 4 to Pacific coast terminals lower than to intermediate points provided the rates to intermediate points do not exceed the rates contemporaneously applicable from the Missouri River territory to the same points by more than 25, 40, and 55 cents per 100 pounds from points in zones 2, 3, and 4, respectively.

4192. Suggestion made that carriers readjust rates to back-haul points by either adding to the full terminal rates something less than the full locals from terminals to destination, or by the publication of basing rates to the terminal less than the terminal rates to be used in connection with local rates from the terminals in determining rates to intermediate points.

The Illinois Coal Cases. (32 I. C. C., 659.)

4193. Upon complaint and intervening petitions alleging (1) that the so-called Springfield group of Illinois is unduly large and that the application of the same rate from all coal mines in this group to destinations in the northwest unjustly discriminates against the mine operators in the northern part of the group by depriving them of the advantage of their location nearer to the common markets; and (2) that the present spread of 70 cents in the rates from southern Illinois over those from northern Illinois to the same destinations is not sufficient and should be increased to $1; it is *Held:* That no basis has been shown of record for dividing the present Springfield group or for increasing the present rate differential against the southern Illinois mines. Nor does the record justify a modification in any of the other rate groups involved in the proceeding.

4194. No unjust discrimination against St. Louis or other violation of the act to regulate commerce shown of record in the present relation of rates on coal from Illinois mines moving to that point as compared with rates on coal from the same mines to East St. Louis.

4195. The proposed increase of 5½ cents per ton in the rates on coal to St. Louis from Illinois mines found to have been justified.

George M. Spiegle v. *Southern Railway Co.* (32 I. C. C., 687.)

4196. In the absence of proof that complainant was damaged by reason of undue discrimination in transit charges, which was found in *Spiegle & Co.* v. *S. Ry. Co.*, 19 I. C. C., 522, to have existed in favor of Johnson City, Tenn., prior to January 16, 1911, the complainant's prayer for additional reparation on shipments from Newport, Tenn., to interstate points is denied.

Application of Southern Pacific Co. in connection with the operation of the Pacific Mail Steamship Co. (32 I. C. C., 690.)

Upon petition of the Southern Pacific Company, under section 5 of the act, as amended by the Panama Canal act, for an extension of time during which petitioner may retain ownership in the Pacific Mail Steamship Company; *Held*—

4197. The words "may compete for traffic" as used in the act do not mean a vague, possible, though improbable, competition; but mean a probable, potential competition, as when the water line is entirely divorced from the railroad.

4198. The competition referred to is "for traffic." There is no limitation or qualification of these words. They therefore cover all interstate coastwise or foreign traffic.

4199. The Pacific Mail Steamship Company, operating boats between San Francisco, Cal., and Balboa or Colon, the termini of the Panama Canal, may compete for coastwise interstate traffic between points in the United States; for traffic between points in the United States and points in Mexico; and for traffic between points in the United States and points in foreign countries, with the Southern Pacific Company's rail lines from San Francisco.

4200. The "existing specified service by water" designated in the act is not determined or measured by the character of the several shipments carried, but by the operation of vessel or vessels.

4201. The Commission is without power to grant any extension of time as to vessel or vessels operating or to operate between San Francisco and Colon, for the reason that that service by water would be "through the Panama Canal." If it shall be made to appear that certain specified vessel or vessels will operate no farther than Balboa, the Commission could, as to such vessel or vessels, grant an extension of time.

4202. From the record it appears that the service proposed, other than that through the Panama Canal, would be in the interests of the public and of advantage to the convenience and commerce of the people, and that its continuance would neither exclude, prevent, nor reduce competition on the route by water under consideration.

4203. In every case in which extension of time is granted under section 5 of the act, the rates, schedules, and practices of the water carrier, governing traffic subject to the act, must be subject to all of the provisions of the act in the same manner and to the same extent as is the rail carrier controlling or interested in such water carrier.

4204. Record held open for 60 days, within which petitioner may, if it so elects, file amendment to the petition as to boats that will go no farther than Balboa.

Best Co. v. *Great Northern Railway Co.* (33 I. C. C., 1.)

4205. Where tariffs naming rates on potatoes from points in Minnesota, North Dakota, South Dakota, and Wisconsin to points in various other States were constructed upon the theory that the shipper would render such service and furnish such instrumentalities as might be necessary to protect his shipments from the cold, the shipper was not entitled to an allowance on account of sums expended by him in lining and heating cars for that purpose.

Cement rates from Salt Lake City, Utah, and other points to Butte, Mont., and other destinations. (33 I. C. C., 5.)

4206. Proposed increased rates on cement in carloads from Salt Lake City, Bakers, and Devils Slide, Utah, to Butte and Anaconda, Mont., and other points in Montana and Idaho, found not to have been justified.

Charles Boldt Co. v. *Chicago, Rock Island & Pacific Railway Co.* (33 I. C. C., 8.)

4207. Upon rehearing, rate of $1.80 per net ton prescribed as a maximum on glass sand from Ottawa, Ill., to Cincinnati, Ohio.

4208. Rates on glass sand from Ottawa to various other points in Ohio found unreasonable.

Massie & Pierce Lumber Co. v. *Norfolk & Western Railway Co.* (33 I. C. C., 14.)

Complainants allege that the rates on lumber in carloads from certain producing points in Virginia to consuming points of which Pittsburgh, Pa., and Columbus, Ohio, are representative are unreasonable to the extent that they exceed what are commonly known as "Virginia cities" rates, and subject complainants to undue and unreasonable prejudice and disadvantage in favor of their competitors at points from which Virginia cities rates apply; *Held:*

4209. That Virginia cities rates, including rates on lumber, were made to meet conditions of transportation and competition that do not exist at the points where complainants' lumber mills are located.

4210. That on the record here presented, the rates in question, although higher than rates from the Virginia cities, are not unreasonable or otherwise in violation of the act. Complaints dismissed.

Saginaw Milling Co. v. *Michigan Central Railroad Co.* (33 I. C. C., 25.)

4211. Rules and charges of defendants applying to the transit upon beans at Saginaw and Jackson, Mich., found not to be unreasonable or otherwise unlawful.

4212. Withdrawal by defendants of transit on dried beans at Saginaw and Jackson, Mich., upon complainants' refusal to cancel billing to cover local disposition of transit tonnage found to have been in accordance with tariff requirements and not unreasonable or otherwise unlawful. Complaints dismissed.

Wisconsin & Arkansas Lumber Co. v. *St. Louis, Iron Mountain & Southern Railway Co.* (33 I. C. C., 33.)

Complainants, producers of yellow-pine lumber in Arkansas, ask that the southwestern yellow-pine blanket be divided at the Arkansas-Louisana state line, and that the northern half be given proportional rates to certain gateways lower than those from the southern half; *Held*, That—

4213. Neither the existing blanket arrangement nor the rates are shown to be unreasonable or unjustly discriminatory.

4214. Blankets coextensive with areas of natural resources are often in the interest of the community at large, as they favor a wide and uniform distribution of necessary commodities.

4215. Instances of individual hardship can not on this record be remedied because of insufficient evidence as to such particular situations.

Vulcan Coal & Mining Co. v. *Illinois Central Railroad Co.* (33 I. C. C., 52.)

Complainants request reparation for damages occasioned by the alleged failure of the defendant upon reasonable request to furnish cars for the shipment of coal from complainants' mines; defendant denies the Commission's jurisdiction and argues that the question raised is one for the determination of the courts; *Held:*

4216. The question as to the extent to which defendant failed to comply with the duty it owed complainants is an administrative one, of which the Commission alone can take original jurisdiction.

4217. It is obvious that the absolute refusal of a carrier to furnish a shipper cars would be a violation requiring no administrative determination and of which the courts could take primary jurisdiction.

4218. Considerations of expediency should have no weight in deciding whether or not the Commission should assume jurisdiction.

4219. Reference made to cases dealing with the question of priority of jurisdiction as between the Commission and the courts.

4220. The assumption of jurisdiction in the present case is not inconsistent with the mandamus provisions of section 23 of the act. *B. & O. R. R. Co.* v. *Pitcairn Coal Co.*, 215 U. S., 481.

4222. Defendant is not deprived of its rights under the seventh amendment to the Constitution.

4223. A carrier must do more than provide itself with sufficient equipment for the slack period of coal production.

4224. A carrier must assume the burden of explaining or excusing its failure to furnish cars.

4225. The question of whether or not the car supply was reasonably adequate at these particular mines and the question of the amount of damages, if any, left for a subsequent hearing.

City of Nashville v. *Louisville & Nashville Railroad Co.* (33 I. C. C., 76.)

The Louisville & Nashville and Nashville, Chattanooga & St. Louis own separate terminals at Nashville, but maintain and operate them jointly under the title of "the Nashville terminals," apportioning the expenses of maintenance and operation monthly on the basis of the total number of cars of all kinds handled for each road. Through the "Nashville terminals" both roads serve the industries on each other's tracks at Nashville in addition to the industries on their own. No charge is imposed upon shippers for the service performed. The Tennessee Central, the only other road into Nashville, maintains separate terminals. The Louisville & Nashville and Nashville, Chattanooga & St. Louis interchange noncompetitive traffic with the Tennessee Central at a charge of $3 per car, but competitive traffic is interchanged only at the local rates to and from the points of interchange, which rates range from $5 to $36 per car, except that the Tennessee Central switches competitive and noncompetitive grain between the Hermitage elevator and points of interchange with the Louisville & Nashville and Nashville, Chattanooga & St. Louis for $2 per car. At other points the Louisville & Nashville and Nashville, Chattanooga & St. Louis interchange competitive and noncompetitive traffic with other carriers at the same rates; *Held*, That—

4226. The Louisville & Nashville and Nashville, Chattanooga & St. Louis interchange competitive and noncompetitive traffic with each other at Nashville at cost, exclusive of fixed charges; the charge of $3 per car for switching noncompetitive traffic to and from the Tennessee Central is not shown to be unreasonable; the Tennessee Central should not be required to pay greater charges than the Louisville & Nashville and Nashville, Chattanooga & St. Louis pay each other; the charge of $2 per car imposed by the Tennessee Central for switching grain to and from the Hermitage elevator unduly prefers that elevator.

4227. Section 1 of the act requires railroads subject to the act to furnish transportation, including the transportation of cars of connecting carriers, and since adequate provision is made for the return of cars interchanged and for compensation for their use, and the use of tracks incidental to transportation conducted entirely by the carrier whose tracks are used is the very use which railroads are constituted to afford, no property is taken by these provisions.

4228. A carrier interchanging traffic with one connecting carrier and thereby short hauling its own line can not refuse to interchange traffic with another connecting carrier solely on the ground that its own line will be short hauled thereby.

Atchison, Topeka & Santa Fe Railway Co. v. *Kansas City Stock Yards Co.* (33 I. C. C., 92.)

4229. The Commission is empowered to strike a tariff from its files if filed as part of a scheme by shippers to secure unlawful allowances from carriers under pretense of common carriage.

4230. Common carriers by railroad may lawfully lease or hire as well as own suitable facilities for the performance of service which they are bound or undertake to perform for the public, or discharge some of their duties through agents,

and neither the agents employed nor the owners of the facilities procured need be common carriers.

4231. Allowances by common carriers for plant facilities or plant service are unlawful. The distinguishing characteristic of plant service is that the facilities employed are not accessible or available to the public.

4232. The Kansas City Stock Yards Company of Missouri is a public utility, and its docks for loading and unloading live stock and tracks leading thereto are instrumentalities of public transportation for the use of which the trunk line live-stock carriers serving Kansas City may lawfully pay, even though shippers of live stock participate in the stockyards company's dividends.

4233. The Kansas City Stock Yards Company is not a common carrier engaged in interstate commerce.

4234. Whether the trunk lines serving Kansas City can lawfully refuse to accept or deliver live-stock shipments at the Kansas City stockyards or increase their present live-stock rates to and from Kansas City on account of the stockyards company's charges for the use of its tracks or for switching cars over them are questions to be determined on complaints by shippers whenever the trunk lines change their present practices or rates.

4235. The Commission has no jurisdiction to determine whether the stockyards company is estopped to demand compensation for the use of its tracks or for switching service over them.

Public Utilities Commission of the State of Idaho v. *Oregon Short Line Railroad Co.* (33 I. C. C., 103.)

4236. Rates for the transportation of bituminous coal in carloads from Kemmerer and Rock Springs, Wyo., to points in southern Idaho not shown to be unreasonable. Complaint dismissed.

Boise Lumber Co. v. *Pacific & Idaho Northern Railway Co.* (33 I. C. C., 109.)

4237. Rate of 9 cents per 100 pounds for the interstate transportation of saw logs from stations on the Pacific & Idaho Northern Railway in Idaho to Boise, Idaho, found to have been unreasonable to the extent that it exceeded 7 cents per 100 pounds. Future rate prescribed.

4238. If the nature or value of a commodity offered for transportation is such as to demand an unreasonably low rate, there is no lawful obligation upon the carrier to meet this demand.

4239. Saw logs are a low-grade commodity, the transportation of which for long distances may not always be logical or practicable, and in so far as concerns the administration of the law the carrier has discharged its duty in this respect when it has accorded reasonable and nondiscriminatory rates.

Pine Belt Lumber Co. v. *Gulf & Ship Island Railroad Co.* (33 I. C. C., 117.)

4240. Demurrage charges for detention of two cars of lumber at Hattiesburg, Miss., shipped from Belpine, Miss., to Mobile, Ala., and dressed in transit at Hattiesburg, found to have been improperly assessed.

4241. The record containing no proof that complainants were damaged by the imposition of the charges assessed, reparation is denied.

Rates on agricultural implements from San Francisco, Stockton, Cal., and other points, to Spokane, Wash., and other points. (33 I. C. C., 119.)

4242. Proposed cancellation of proportional carload and less-than-carload rates on agricultural implements from Stockton, Cal., to Portland and East Portland, Oreg., when destined to points beyond, resulting in increased rates, and an increase in the carload minimum from 20,000 to 24,000 pounds, found to have been justified. Order of suspension vacated.

Coffeyville Mercantile Co. v. *Missouri, Kansas & Texas Railway Co.* (33 I. C. C., 122.)

4243. Rates on classes and certain commodities to Coffeyville and Independence, Kans., from St. Louis, Mo., and points taking the same rates, or rates based thereon; from Chicago, Peoria, and other points taking the Chicago rates, and from points east of the Indiana-Illinois State line made by combination on St. Louis; found to be unreasonable and unjustly discriminatory. Reasonable maximum rates prescribed. Reparation denied.

G. W. Hume Co. v. *Southern Pacific Co.* (33 I. C. C., 126.)

4244. Refrigeration charge of $70 per car in connection with the transportation of salted or pickled fish in carloads from San Francisco and other points

in California to New York, N. Y., and other eastern points, found not to be unreasonable. Complaint dismissed.

McCaa Coal Co. v. *Coal & Coke Railway Co.* (33 I. C. C., 128.)

4245. Upon a supplemental hearing the coal operators and the defendant railway company submitted a statement showing the mine ratings which shall form the basis for the distribution of coal cars during periods of car shortage. This agreement being satisfactory to all concerned, is accepted by the Commission as a compliance with its original findings herein, 30 I. C. C., 531.

4246. During periods of car shortage, the allotment due any particular one of the four mining operations controlled by the Davis Colliery Co. shall be used by that particular mine, and should such mine countermand its order for cars on any day, such cars shall revert to the general supply and be distributed among the mines along the line of the defendant railway company according to the respective mine ratings. *Rail & River Coal Co.* v. *B. & O. R. R. Co.*, 14 I. C. C., 86, distinguished.

4247. Cars which are partially loaded and remain over until the next day to be fully loaded shall be charged against the mine loading the same, as if such cars were empty.

Mixed Car Dealers Asso. v. *Delaware, Lackawanna & Western Railroad Co.* (33 I. C. C., 133.)

On complaint that defendants' transit charges on grain milled in transit at points in the States of New York and Pennsylvania are unreasonable and unlawful, and the transit rules unjust and unreasonable; *Held:*

4248. That the application of the through rate on grain products or by-products from point of origin to ultimate destination on grain milled in transit is not unlawful if properly published, and does not result in unreasonable charges.

4249. That the service performed in transporting the grain products or by-products from the transit house is a transportation service for which a rate should be named in a tariff and which should be shown on the outbilling; and that it is unlawful to publish a transportation charge in the guise of a transit charge.

4250. That rules with respect to policing transit should be uniform, and defendants should see to it that they adopt and apply rules which do not result in discrimination between transit users, and at the same time do not permit of forbidden substitution.

4251. That under tariff authority therefor and proper policing thereof which will maintain the through rates the defendants may permit grain to arrive at a transit house over the line of one carrier and the product to be forwarded by another carrier, but this is something that may not be required under the limitation in the fifteenth section of the act, respecting through routes and joint rates.

4252. That the transit charge of 1¼ cents per 100 pounds on local grain and ex lake grain charged at f. o. b. rates from Buffalo, N. Y., is not unreasonable.

4253. Reparation denied.

Rates on tomatoes from Jacksonville, Fla., to Kansas City, Mo., and other points. (33 I. C. C., 145.)

4254. Proposed increased rates on tomatoes in carloads moving under ventilation from Jacksonville and other Florida base points to points west of the Mississippi River, found to be justified.

Lindsay & Co. v. *Northern Pacific Railway Co.* (33 I. C. C., 150.)

4255. Present rates of $1.62½ per 100 pounds on grapefruit in carloads and $1.60 on fresh tomatoes in carloads from Jacksonville and other basing points in Florida, when from beyond, to certain points in Montana not found to be unreasonable.

4256. Present rate of $1.76 per 100 pounds on oranges in carloads and grapefruit and oranges in mixed carloads from the same points to the same destinations found to be unreasonable to the extent that it exceeds $1.62½.

4257. Present minimum weight of 26,000 pounds on grapefruit and oranges in straight or mixed carloads from the same points to the same destinations found to be unreasonable to the extent that it exceeds 24,000 pounds.

Basin Supply Co. v. *Texarkana & Fort Smith Railway Co.* (33 I. C. C., 157.)

4258. The carrying of coal for use as fuel and to be consumed by a vessel engaged in coastwise or foreign trade does not constitute a coastwise or export movement of the commodity.

4259. Defendant's demurrage regulations relative to the free time allowance on bunker coal at Port Arthur, Tex., not found to be unreasonable or unjustly discriminatory. Complaint dismissed.

Meridian Fertilizer Factory v. *Abilene & Southern Railway Co.* (33 I. C. C., 160.)

4260. Defendants' rates on acid phosphate in carloads from Shreveport, La., to certain points in Texas found to be unduly prejudicial as compared with rates on like traffic from New Orleans to such points. Fourth section question reserved for further investigation.

Central Commercial Co. v. *Louisville & Nashville Railroad Co.* (33 I. C. C., 164.)

4261. Upon rehearing held that defendant should permit the reconsignment and diversion of carload shipments of rosin at points on its line moving from Pensacola, Fla., to Chicago, Ill., and diverted in transit to Cincinnati, Ohio, on basis of the through rate from Pensacola to Cincinnati plus a maximum charge of $5 as compensation for services rendered in connection with such diversion.

In re financial relations, rates, and practices of the Louisville & Nashville Railroad Co., the Nashville, Chattanooga & St. Louis Railway, and other carriers. (33 I. C. C., 168.)

4262. In compliance with Senate resolution 153, a further report herein is submitted in regard to financial transactions of the roads involved.

Regulations restricting the shape of baggage. (33 I. C. C., 266.)

4263. Proposed regulation restricting the shape of baggage found unreasonable in so far as it is intended to exclude from the regular baggage service pentagonal trunks which are within the present limits as to weight and dimensions.

International Paper Co. v. *Delaware & Hudson Co.* (33 I. C. C., 270.)

Upon complaint that joint through rates higher than were maintained for many years, published by Canadian carriers and concurred in by carriers in the United States, for transportation of pulp wood from points in the Dominion of Canada to points in the State of New York are unreasonable; *Held:*

4264. That the extent of the Commission's jurisdiction over the joint rates involved would be to require the United States carriers to cease and desist from concurring in such rates, thus leaving the traffic to move on combinations of rates to and from border points.

4265. That the rates in question were found to be reasonable by the Board of Railway Commissioners for Canada, after a hearing at the suggestion of the complainants herein, and the findings of that board are entitled to weighty consideration by this Commission.

4266. That the rates were primarily published by Canadian carriers for transportation largely within the Dominion of Canada, and as the increases complained of accrue almost wholly to Canadian carriers, the Canadian board was the proper tribunal to determine the reasonableness thereof.

4267. That the relief prayed for by complainants should not be granted. Complaint dismissed.

New England Coal & Coke Co. v. *Norfolk & Western Railway Co.* (33 I. C. C., 276.)

4268. Defendants make a charge for dumping coal into boats from their piers in the harbors of Norfolk and Newport News, Va., in addition to the regular transportation rate applying to the port on business destined beyond the Virginia capes; *Held*, That this practice is not unlawful. Complaint dismissed.

Classification of address plates, culverts, and iron or steel tanks. (33 I. C. C., 281.)

4269. Proposed southern classification rating of first class, applicable to interstate transportation of address plates, found not to be justified, and respondents required to establish a rating applicable thereto not to exceed second class.

4270. Proposed changes in southern classification with reference to tanks (iron or steel, not otherwise indexed by name), and culverts, found to be justified and order of suspension as to schedules pertaining thereto vacated.

E. I. Du Pont De Nemours Powder Co. v. *Louisville & Nashville Railroad Co.* (33 I. C. C., 288.)

4271. Rating of double first class applied to the transportation of interstate shipments of high explosives in carloads between points on defendants' lines found to be unreasonable to the extent that it exceeds first class. Reparation awarded.

Wait Talcott v. *Southern Pacific Co.* (33 I. C. C., 292.)

4272. Charge collected by defendant for the movement of a special train from Yuma, Ariz., to Tucson, Ariz., not within the jurisdiction of the Commission. Complaint dismissed.

Providence Fruit & Produce Exchange v. *New York Central & Hudson River Railroad Co.* (33 I. C. C., 294.)

4273. Rule in defendant's tariff covering icing of perishable freight in refrigerator cars, which requires shippers to state at what points cars shall be reiced, not found to be unreasonable or unjustly discriminatory. Complaint dismissed.

Lumber rates from Helena, Ark., and other points to Omaha, Nebr., Des Moines, Iowa, and other destinations. (33 I. C. C., 297.)

4274. Increased rates on yellow pine, cypress, and hardwood lumber from southwestern points and points in Mississippi and eastern Louisiana to the Omaha group and other destinations found not to be justified.

Class rates between stations in Louisiana. (33 I. C. C., 302.)

Complaint attacked the joint class and commodity rates from St. Louis and defined territories to Lafayette, La., as being greater than the aggregate of the intermediate rates, applicable on interstate traffic, via Baton Rouge, La. The Morgan's Louisiana & Texas Railroad & Steamship Co. thereupon attempted to close the Baton Rouge gateway by canceling the interstate application of the mileage rates from Baton Rouge to Lafayette and other points on its line. The tariff making this cancellation was suspended, whereupon the tariff carrying the interstate application of a mileage scale of rates from Baton Rouge was canceled. Upon consideration of the whole situation; *Held*, That—

4275. Proposed closing of the Baton Rouge gateway not justified. Former mileage rates from Baton Rouge required to be restored, except that 20 miles may be added for Mississippi River transfer.

4276. The joint class and commodity rates from St. Louis and defined territories to Lafayette not found on the record to be unlawful, but the case is held open for presentation of the necessary proof.

Bituminous coal rates to Baltimore, Md., and other points. (33 I. C. C., 307.)

4277. Proposed increases in rates for the transportation of bituminous coal from mines in Pennsylvania, Maryland, and West Virginia to Philadelphia, Pa., Wilmington, Del., and Baltimore, Md., for transshipment to points inside the capes of the Delaware and Chesapeake Bays not justified. Tariffs naming the increased rates required to be canceled.

4278. If rail carriers be permitted to establish rates in connection with water carriers upon a basis which will equalize shippers at various points along the waterway, they will absorb the benefit which should accrue to the public of the lower cost of water transportation.

Michigan Bean Jobbers' Asso. v. *Grand Rapids & Indiana Railway Co.* (33 I. C. C., 318.)

Prior to August, 1912, the Ann Arbor Railroad Company provided certain transit arrangements at points on its line in Michigan with respect to shipments of dried beans from points in Michigan to points in other States, on the basis of through rates from points of origin to final destination, plus a transit charge. That carrier then withdrew the arrangements and subsequently established, both as to dried beans and dried peas, specific rates from points on its own line to various transit points which resulted in combinations which do not materially exceed the total charges to shippers under the former transit arrangement; *Held*, That—

4279. The carrier has justified the increased rates to the extent herein indicated.

4280. The refusal now to grant the transit arrangements as to dried beans is not unreasonable or otherwise unlawful.

Lumber rates to central freight association and trunk-line territories. (33 I. C. C., 322.)

4281. Proposed cancellation of through routes and joint rates on lumber from points in Louisiana and Arkansas to central freight association and trunk-line territories via East St. Louis, Ill., and Toledo, St. Louis & Western Railroad, and via Flinton, Ill., and Illinois Southern Railway, found to have been justified.

H. Rosenblatt & Sons v. *Ann Arbor Railroad Co.* (33 I. C. C., 324.)

4282. Complaint that class rates from central freight association and trunk-line territories to Beloit, Wis., are unreasonable and unduly prejudicial to the extent that they exceed the class rates contemporaneously applicable from the same points of origin to Rockford, Ill., not sustained by the evidence of record. Complaint dismissed.

National Dock & Storage Warehouse Co. v. *Boston & Albany Railroad Co.* (33 I. C. C., 330.)

4283. The tariff of the defendants providing that the import rate should not apply unless traffic was stored in customs bonded warehouses or delivered to carrier direct from the ship side does not subject complainant to unjust discrimination under section 2 of the act to regulate commerce, nor to undue prejudice under section 3.

Anson, Gilkey & Hurd Co. v. *Southern Pacific Co.* (33 I. C. C., 332.)

Complainants attack the rates on sash and doors from their manufacturing plants in Wisconsin, Iowa, and Illinois to points in central freight association and trunk-line territories as unreasonable and unjustly discriminatory when compared with rates on sash and doors from points on the Pacific coast to the same destinations. They also attack the rates on lumber in carloads from California, Oregon, and Washington and from the territory known as the "inland empire" to the points where their plants are located as unreasonable. Upon the facts of record, *Held:*

4284. That the rates attacked have not been shown to be unreasonable.

4285. That unjust discrimination has been proven with respect to the classification of lumber and lumber products, especially sash and doors, in the various competing territories here involved. Carriers required to remove such unjust discrimination.

Eastern Fruit Growers Asso. v. *Baltimore & Ohio Railroad Co.* (33 I. C. C., 343.)

4286. Defendants' rates on apples in carloads from producing points in Virginia, West Virginia, Maryland, Delaware, and southern Pennsylvania as compared with rates from New York and New England producing points to various sections of the country not found unreasonable or unjustly discriminatory.

Murphy Bros. v. *New York Central & Hudson River Railroad Co.* (33 I. C. C., 355.)

4287. In assessment at New York City of track-storage charges, tariff provision that time will be computed from first 7 a. m. after car is placed, held to be unjust and unreasonable, in that it does not provide that time will be computed from the first 7 a. m. after placing cars on public-delivery tracks, and after the day on which notice of arrival is sent to consignee. Reparation awarded.

Northern Pine Manufacturers' Asso. v. *Chicago & North Western Railway Co.* (33 I. C. C., 360.)

4288. Rates on lumber from producing points in Wisconsin, Minnesota, and Michigan to upper and lower Missouri River crossings not found to be unreasonable or unduly discriminatory. Complaint dismissed.

F. S. Harmon & Co. v. *Northern Pacific Railway Co.* (33 I. C. C., 370.)

4289. The value of rugs contained in certain shipments was not stated in the bills of lading, and higher rates were assessed than would have been applied had the value been shown. Reparation awarded upon proof that the value of the rugs was such as would have entitled them to the lower rate.

National Pole Co. v. *Minnesota & International Railway Co.* (33 I. C. C., 372.)

4290. Complaint of refusal by defendant to permit an employee of complainants to have complete access to defendant's yard and yard office at North Bemidji, Minn., for the purpose of witnessing weighing operations dismissed.

Rates on grain and grain products to stations in Kansas, Oklahoma, and other states. (33 I. C. C., 374.)

4291. Proposed increased rates on grain and grain products from points on the Minneapolis & St. Louis Railroad in Iowa and Minnesota to points on the Chicago, Rock Island & Pacific Railway in the southwest found to have been justified. Order of suspension vacated.

In the matter of minimum charges on articles too long or too bulky to be loaded through the side doors of box cars. (33 I. C. C., 378.)

4292. In an investigation into the reasonableness of the application of rule 7 B and C of official classification No. 42; rule 26, section 3, of southern classification No. 40; and rule 17 B of western classification No. 50, restated as rule 20 B in western classification No. 53, relating to minimum charges on articles too long or too bulky to be loaded through the side doors of box cars; *Held*, That carriers shall restate said rules embodying the following provisions: Unless otherwise provided, a shipment containing articles the dimensions of which do not permit loading through the center side doorway 6 feet wide by 7 feet 6 inches high without the use of end door or window in a closed car not more than 36 feet in length by 8 feet 6 inches wide and 8 feet high shall be charged at actual weight and authorized rating subject to a minimum charge of 4,000 pounds at the first-class rate for the entire shipment.

Chattanooga Packet Co. v. *Illinois Central Railroad Co.* (33 I. C. C., 384.)

4293. By restricting the application of their proportional rates to and from Ohio River crossings to traffic routed over their southern rail connections defendants are unjustly discriminating against the complainant and against shippers who desire to route their goods over complainant's boat line.

4294. A proportional rate the use of which is limited to shipments over a particular line is unjustly discriminatory. *Bascom Co.* v. *A., T. & S. F. Ry. Co.*, 17 I. C. C., 354; *Rosenbaum Bros.* v. *L. & N. R. R. Co.*, 22 I. C. C., 62.

4295. The fact that the proportional rates to and from the Ohio River are compelled by competition can have no bearing upon our determination of the issue of unjust discrimination

4296. If carriers are permitted to apply higher rates for the same service on traffic routed over connecting water lines than on traffic routed all rail, they will be in a position to destroy all water competition, and to deprive shippers of the advantage of their location upon navigable waters.

4297. Defendants required to apply the same rates to traffic between Chattanooga and points north of the Ohio River routed via Brookport, Metropolis, and Joppa and complainant's boat line as they contemporaneously apply on traffic routed via their southern rail connections. Defendants permitted to make a reasonable charge to cover the additional expense, if any, of interchange with boat lines over and above the cost of interchange with rail carriers.

Lindsay & Co. v. *Northern Express Co.* (33 I. C. C., 394.)

4298. Rates for transportation of strawberries and cherries in carload lots from certain points in Washington and Oregon to four destinations in Montana found relatively unreasonable and unjustly discriminatory. Reasonable and nondiscriminatory rates prescribed.

4299. Rates for initial icing of such shipments found reasonable.

4300. Rates for icing in transit not shown to be unreasonable.

Delphos Manufacturing Co. v. *Pennsylvania Co.* (33 I. C. C., 400.)

4301. Rates on black-iron sheets from Pittsburgh, Pa., to Delphos, Ohio, and on galvanized-iron sheets from Delphos to Chicago, Ill., and points beyond, not found to be unreasonable or unduly prejudicial.

Adrian Wire Fence Co. v. *Lake Shore & Michigan Southern Railway Co.* (33 I. C. C., 403.)

4302. Upon complaint alleging that the carload rates on wire from Pittsburgh, Pa., to Adrian, Mich., and on wire fence from the latter point to Chicago, Ill., are unreasonable and subject Adrian to undue prejudice and disadvantage; *Held*, That the grouping of Adrian with Detroit, Mich., on traffic from Pitts-

burgh results in rates which subject it to undue prejudice and disadvantage, and that the rate on wire from Pittsburgh to Adrian should not exceed the rate to Toledo, Ohio, by more than 1 cent per 100 pounds.

Class and commodity rates to and from Quincy, Ill., and groups. (33 I. C. C., 409.)

4303. Order heretofore entered so modified as to require the maintenance of the same relationship in rates to and from points east of the Indiana-Illinois state line between Quincy, Ill., Hannibal and Louisiana, Mo., and St. Louis, Mo., as has been in effect for the past several years.

National Association of Ice Cream Manufacturers v. *Adams Express Co.* (33 I. C. C., 411.)

4304. Charges for transportation of ice cream and for returned empty containers named in express classification No. 22, as amended by order of March 9, 1914, *Express Investigation*, 28 I. C. C., 131, not found to be unreasonable. Complaint dismissed.

Irvin Kibbe v. *Abilene & Southern Railway Co.* (33 I. C. C., 415.)

4305. Minimum carload weight of 22,000 pounds on calves from Greta and other Texas shipping points to points in Colorado, Kansas, Illinois, and other states found unjustly discriminatory against such points of origin and a minimum of 17,000 pounds prescribed for the future.

Grain rates from Milwaukee. (33 I. C. C., 417.)

On proposed withdrawal of reshipping rates on grain and grain products from Milwaukee, Wis., via Chicago, Ill., and Manitowoc, Wis., to points in trunk line and central freight association territories, *Held:*

4306. That the withdrawal of these rates to points in trunk line territory, including Buffalo and Pittsburgh, and points taking the same rates, has not been justified.

4307. That the withdrawal of these rates to points in central freight association territory, excluding Buffalo and Pittsburgh, and points taking the same rates, has been justified.

4308. That the proposal to withdraw these rates is not an effort to retire from through route and joint rate arrangements which respondents Pere Marquette Railroad Company and Grand Trunk Railway system might not lawfully be required to establish if they did not already exist, but is simply an effort to increase the rates via through routes which would still be open at higher joint rates.

Lake Tahoe Railway & Transportation Co.'s ownership of a boat line on Lake Tahoe. (33 I. C. C., 426.)

4309. Upon application of the Lake Tahoe Railway & Transportation Company for an extension of time beyond July 1, 1914, during which petitioner may retain ownership in a boat line operated by it on Lake Tahoe; *Held*, That so long as the respective operations of petitioner's rail line and boat line remain as at present, the rail line does not or may not compete with the boat line and that the continued ownership and operation is not and will not be in violation of section 5 of the act to regulate commerce as amended by the Panama Canal act.

Commutation fares to and from Washington, D. C. (33 I. C. C., 428.)

4310. Commutation fares in and out of Washington, D. C., on the Baltimore & Ohio Railroad Company were sought to be increased by advancing the price of the 60-trip monthly and the 10-trip tickets and by withdrawing the 180-trip quarterly and the 24 and 50 trip tickets; *Held*, That the withdrawal of the 24, 50, and 180 trip tickets is justified; increased price of 10-trip tickets justified, and increased price of 60-trip tickets not justified.

Parlin & Orendorff Co. v. *Cleveland, Cincinnati, Chicago & St. Louis Railway Co.* (33 I. C. C., 442.)

4311. Carload rate of $1.60 per ton on coke from Indianapolis, Ind., to Canton, Ill., not found unreasonable or unjustly discriminatory. Complaint dismissed.

California Corrugated Culvert Co. v. *Alabama Great Southern Railroad Co.* (33 I. C. C., 445.)

4312. Rate of 95 cents per 100 pounds for the transportation of corrugated galvanized sheet iron in carloads from Middletown, Ohio, to Pacific coast points not found to have been unreasonable, but held to have been unjustly discrim-

inatory to the extent that it exceeded the rate of 85 cents contemporaneously in effect between the same points on plain galvanized sheet iron. Reparation denied.

Howard P. Damon v. *Crosby Transportation Co.* (33 I. C. C., 448.)

4313. The practice of the Crosby Transportation Co. in selling through tickets via its boats and the line of the Detroit, Grand Haven & Milwaukee Railway Co. between Milwaukee, Wis., and Grand Rapids, Mich., and refusing to sell through tickets between the same points via the line of the Grand Rapids, Grand Haven & Muskegon Railway Co., found unjustly discriminatory.

Rates on grain and grain products between stations in Oklahoma and stations in Kansas and other States. (33 I. C. C., 452.)

4314. Proposed increased rates on grain and grain products between Oklahoma and points in neighboring States not justified, and respondents required to cancel the tariffs.

Tampa Board of Trade v. *Alabama & Vicksburg Railway Co.* (33 I. C. C., 457.)

4315. The joint through rail-and-water rates on grain and grain products, provided in Washburn's tariff I. C. C. No. 108, to Tampa, Fla., via New Orleans and the Gulf & Southern Steamship Co. and via Mobile and the Mallory Steamship Co., found unjust and unreasonable in so far as they exceed the present rail rates to the ports by more than 10 cents per 100 pounds.

4316. The water-and-rail rates via New Orleans to Tampa found to exceed the sum of the intermediate rates, in violation of the fourth section.

Spokane, Portland & Seattle Railway's ownership of The Dalles, Portland & Astoria Navigation Co. (33 I. C. C., 462.)

On petition of the Spokane, Portland & Seattle Railway Co. under section 5 of the act, as amended by the Panama Canal act, for a temporary extension of time during which petitioner may retain ownership of The Dalles, Portland & Astoria Navigation Co.; *Held*—

4317. That The Dalles, Portland & Astoria Navigation Co. does and may compete with petitioner's rail line.

4318. That the continued ownership by petitioner of The Dalles, Portland & Astoria Navigation Co. would not be in the interest of the public and of advantage to the convenience and commerce of the people, and that it would exclude, prevent, or reduce competition on the water route here considered.

4319. Petition denied, effective June 1, 1915.

Daly Coal Co. v. *Chicago & Alton Railroad Co.* (33 I. C. C., 467.)

4320. Rates on bituminous coal from mines in Illinois and Indiana to St. Paul and Minneapolis, Minn., not found unreasonable. Complaint dismissed.

Memphis Freight Bureau v. *St. Louis, Iron Mountain & Southern Railway Co.* (33 I. C. C., 472.)

4321. Joint through class rates for the transportation of various articles in less than carloads from Memphis, Tenn., to Kessler, Lecompte, Grosse Tete, and Fordoche, La., found to have been unreasonable to the extent they exceeded the sums of the intermediate rates based on Port Allen or New Orleans, La., contemporaneously in effect. Reparation awarded.

4322. Defendants' application for relief from the aggregate of the intermediate rate rule of the fourth section of the act as to rates via Port Allen denied.

Southern Pacific Co.'s ownership of the schooner "Pasadena." (33 I. C. C., 476.)

Upon application of the Southern Pacific Co. under the provisions of section 5 of the act to regulate commerce, as amended by section 11 of the Panama Canal act, for an extension of time beyond July 1, 1914, during which petitioner may retain ownership in the schooner *Pasadena*, operated between certain points on the coast of California; *Held*—

4323. That so long as the line of the Northwestern Pacific between Albion and Christine, Cal., is not extended so as to connect with its main line, the Southern Pacific does not and can not compete with the *Pasadena* operating between Albion and San Francisco, Cal., and that the continued operation of the *Pasadena* between those points will not be in violation of section 5 of the act to regulate commerce, as amended by the Panama Canal act.

4324. That in the operation of the boat between San Francisco and San Pedro and Redondo the Southern Pacific may compete with the *Pasadena*. In so far as the petition seeks a continuance of this service, it is denied as of May 1, 1915.

4325. That if in the future the *Pasadena* in its operation between Albion and San Francisco participates in any joint rates applicable to, or in any arrangement for through carriage of, interstate shipments with any carrier by railroad, the rates, rules, and regulations governing such shipments must be published, filed, and posted, as provided in section 6 of the act

Rates on asphaltum, barley, beans, and canned goods from Pacific coast points to Atlantic ports. (33 I. C. C., 480.)

4326. Petitioners authorized to establish rate of 40 cents per 100 pounds on asphaltum, barley, beans, and canned goods from San Francisco, San Pedro, and Wilmington, Cal., via lines of Southern Pacific Company and the Galveston, Harrisburg & San Antonio Railway Company to Galveston, Tex.; thence via steamship line to New York, N. Y., Philadelphia, Pa., Baltimore, Md.. Boston, Mass., and Charleston, S. C., while continuing higher rates from, to, and between intermediate points.

Corporation Commission of the State of North Carolina v. *Southern Railway Co.* (33 I. C. C., 487.)

On complaint that defendants' rates on the first six classes from central freight association, Pittsburgh-Buffalo, and eastern seaboard territories, and from Lynchburg, to certain North Carolina points, and from certain points in central freight association and Pittsburgh-Buffalo territories to Winston-Salem, are unreasonable, unjustly discriminatory, and in certain instances in violation of the fourth section of the act; *Held*, That—

4327. Defendants' joint through rates from Cincinnati and points related thereto have not been shown to have been unreasonable or unjustly discriminatory.

4328. The lawful rates were assessed by defendants on shipments from points in central freight association territory that did not have through rates to North Carolina points and these rates have not been shown to have been unreasonable or unjustly discriminatory.

4329. Defendants' joint through rates from Pittsburgh-Buffalo territory to North Carolina points have not been shown to have been unreasonable or unjustly discriminatory.

4330. No finding made as to the joint through rates from eastern seaboard territory to North Carolina points. These rates exceed the combinations on Norfolk, Va., and are reserved for future consideration.

4331. Defendants' rates to Winston-Salem, via Roanoke, from points in central freight association territory that had both local and proportional rates to the Virginia cities, are now on the same basis as the rates to other North Carolina points. Complainants not found to have been damaged or entitled to reparation.

4332. Joint through rates from Pittsburgh-Buffalo territory to Winston-Salem that exceeded the combinations on Roanoke at the time of the filing of the complaint are at present no higher than the combination rates. Complainants not found to have been damaged or entitled to reparation.

4333. Defendants' rates from Lynchburg to North Carolina points not found to have been unreasonable or unjustly discriminatory.

W. N. White & Co. v. *Western Union Telegraph Co.* (33 I. C. C., 500.)

4334. Defendant's standard rates for the transmission by telegraph of messages from New York, N. Y., to San Francisco, Cal., and by cable of messages from New York to points in England, not shown to be unreasonable or unjustly discriminatory. Complaint dismissed.

Corporation Commission of Oklahoma v. *Atchison, Topeka & Santa Fe Railway Co.* (33 I. C. C., 503.)

4335. Rates for the transportation of news print paper in carloads from Galveston, Tex., to Oklahoma City and other Oklahoma points found to be unreasonable. Reasonable rates prescribed.

E. I. Du Pont De Nemours Powder Co. v. *Wabash Railroad Co.* (33 I. C. C., 507.)

4336. The Wabash Railroad Co. filed and posted a tariff naming a through rate of 90 cents per net ton on bituminous mine-run coal in carloads from

Springfield and Riverton, Ill., to Mooar, Iowa, in which the delivering line was not named as a party and had not concurred. Charges were collected on shipments from and to the points named on the basis of the combination of intermediate rates. Reparation awarded against the carrier which issued the tariff, on showing that complainant relied on the through rates published, to its injury.

W. & J. Sloane v. *Southern Pacific Co.* (33 I. C. C., 509.)

4337. Defendants' rule resulting in the imposition of higher charges on display racks, in less than carloads, weighing less than 1,000 pounds, than for similar racks weighing 1,000 pounds or more, found to be unreasonable. Reparation awarded.

Funck Lumber Co. v. *Baltimore & Ohio Southwestern Railroad Co.* (33 I. C. C., 511.)

4338. Minimum weights on lumber in mixed carloads of 30,000 pounds, in cars less than 36 feet in length, and of 34,000 pounds in cars of 36 feet or more, for shipments from Ohio and Mississippi river crossings to central freight association and trunk line territory, not found to be unreasonable or unjustly discriminatory. Complaint dismissed.

Fetterman Bowl & Column Manufacturing Co. v. *Southern Railway Co. in Mississippi.* (33 I. C. C., 514.)

4339. Rates on wooden porch columns in carloads from Ittabena, Miss., to points in Ohio and points east thereof found unreasonable to the extent that they exceeded the rates concurrently applicable on lumber by more than 3 cents per 100 pounds. Reparation denied.

Lumbermen's Asso. of New Orleans v. *Morgan's Louisiana & Texas Railroad & Steamship Co.* (33 I. C. C., 516.)

4340. Export rate of 8 cents per 100 pounds on lumber and articles taking lumber rates to New Orleans, La., from Mackland, La., and other stations on defendant's Alexandria branch line between Mackland and Opelousas, La., found to be unreasonable to the extent that it exceeded 7 cents. Reparation denied.

L. G. Ochsenreiter v. *Atchison, Topeka & Santa Fe Railway Co.* (33 I. C. C., 518.)

4341. Provisions of defendants' tariffs excluding automobiles from the application of rates provided for emigrant movables not found to have been unreasonable. Evidence of record not sufficiently definite to permit a finding with respect of the noninclusion of gasoline engines with emigrant movables. Complaints dismissed.

Alfred Mosely v. *Atchison, Topeka & Santa Fe Railway Co.* (33 I. C. C., 521.)

4342. Upon allegation of the unreasonableness of defendants' passenger-fare rule under which a minimum of one and one-half class tickets is required for the exclusive use of a compartment on "California limited" trains; *Held*, That the rule complained of is not shown to be unreasonable. Complaint dismissed.

Doran & Co. v. Nashville, Chattanooga & St. Louis Railway. (33 I. C. C., 523.)

4343. Defendants' refusal to allow reconsignment and diversion of lumber where the contents of the car remain unchanged, where the change of destination of route does not involve an out of line haul, and request is made in a reasonable time, on basis of the through rate from the point of origin to the new destination, with a reasonable charge for the extra service performed, held to be unreasonable.

4344. The charges collected on five cars of lumber shipped from Chattanooga, Tenn., to Cincinnati, Ohio, and reconsigned thence to London, Ontario, and Toronto, Ontario, found to have been unreasonable to the extent that they exceeded the through rates from Chattanooga to the new destinations, plus a maximum reconsignment charge of $5 per car. Reparation awarded.

Kellogg Toasted Corn Flake Co. v. *Atchison, Topeka & Santa Fe Railway Co.* (33 I. C. C., 534.)

4345. Rates applied by defendants to the interstate transportation of toasted wheat biscuit and toasted wheat krumbles in carloads in western trunk line and southwestern territories found to be unduly discriminatory in that they exceed the rates applicable to cream of wheat, Post tavern porridge, and like uncooked cereal foods in carloads between the same points.

Jurisdiction over urban electric lines. (33 I. C. C., 536.)

4346. Electric railways, other than street passenger railways, participating in the interstate movement of persons or property are held subject to the requirements of the Commission relative to the filing of reports of finances and operations and accidents.

4347. Railway companies which provide both street-car or other intrastate service and interstate service should restrict the scope of their monthly report of accidents so as to include only accidents resulting from the operation of cars engaged in the transportation of passengers and property in interstate commerce.

Leon E. Lum v. *Great Northern Railway Co.* (33 I. C. C., 541.)

4348. The existing rate of 60 cents per long ton for the transportation of iron ore from mines on the Mesabi range in Minnesota to vessels at Two Harbors, Minn., Duluth, Minn., and Allouez Bay, Wis., held unreasonable and a rate not exceeding 55 cents prescribed for the future. No finding is made with respect to rates from mines on the Vermillion and Cuyuna ranges.

Campbell's Creek Coal Co. v. *Ann Arbor Railroad Co.* (33 I. C. C., 558.)

4349. Upon rehearing; *Held*, That through routes and joint rates should be established for the transportation of coal from points on the line of the Campbell's Creek Railroad to the interstate destinations mentioned in Kanawha & Michigan Railway tariff I. C. C. No. 31 and supplements thereto, and such joint rates should not exceed the main-line or district rates now applied from points on the lines of the Coal & Coke and the Kanawha & West Virginia railroads to the same destinations.

Menasha Wooden Ware Co. v. *Chicago & North Western Railway Co.* (33 I. C. C., 563.)

4350. Rates charged on shipments of woodenware in carloads from Menasha, Wis., to various points in central freight association and trunk line territories, not found to have been unreasonable or unjustly discriminatory. Complaint dismissed.

Rates on high explosives to Grand Trunk Railway System stations. (33 I. C. C., 567.)

4351. The question of Commission's jurisdiction over Canadian carrier participating in joint rates for movements from points in the United States over intermediate Canadian rails to other points in the United States considered but no ruling thereon made; the respondents nevertheless required to withdraw tariffs canceling such joint rates until through routes lying wholly within the United States have been established for the movement of high explosives to destinations on the Grand Trunk Railway at the joint rates named in the tariffs under suspension.

Fred S. Morse Lumber Co. v. *Louisville & Nashville Railroad Co.* (33 I. C. C., 571.)

4352. A carload of yellow-pine lumber originating at Sanford, Ala., on the Louisville & Nashville was consigned to Middletown, N. Y., routed via the Erie Railroad. On account of floods the initial carrier, without instructions from the owner, forwarded the shipment over another route at a higher rate; *Held*, That the initial carrier is liable for the resulting increase in transportation charges. Reparation awarded.

Chicago, Ottawa & Peoria Railway Co. v. *Chicago & North Western Railway Co.* (33 I. C. C., 573.)

4353. On complaint of failure of defendants to establish through routes and joint rates with complainant between interstate points on their respective lines; *Held*, That the evidence fails to show such public necessity for the routes and rates asked for as to require the exercise of the authority granted by the act. Complaint dismissed.

The Twin Cities Cases. (33 I. C. C., 577.)

4354. Upon the facts of record it is *Held*, That the proposed 90-cent scale of rates from trunk line and central freight association territories to the twin cities has not been justified by the respondents and that the 28-cent scale of differentials in the rates to the twin cities over the rates to Duluth is unduly discriminatory as against the former; that the present 83-cent scale of rates

to the twin cities is not unreasonable or unlawfully discriminatory against those communities, nor is the 21-cent scale of differentials over the rates to Duluth unduly preferential of that port as alleged; that for the future any class rates to the twin cities in excess of a 21-cent scale of differentials over the rates to Duluth will be unjustly discriminatory as against the twin cities, and any class rates to the latter communities on a scale of differentials lower than 21 cents, first class, will be unduly discriminatory as against Duluth. A scale of rates, rail-lake-and-rail, from trunk line and central freight association territories to the twin cities based upon a rate of 83 cents, first class, prescribed for the future. Carriers will be expected to bring their commodity rates into harmony with the class rates.

Snow Lumber Co. v. *Raleigh, Charlotte & Southern Railway Co.* (33 I. C. C., 587.)

4355. Rates on lumber in carloads from Norman, N. C., to points north and east of Virginia cities not found unreasonable or unduly prejudicial. Complaint dismissed.

Petit Salt Co. v. *Chicago, Milwaukee & St. Paul Railway Co.* (33 I. C. C., 590.)

4356. Rates on salt in carloads from Milwaukee, Wis., to trans-Mississippi points on the Chicago, Burlington & Quincy Railroad not found to be unreasonable, unjustly discriminatory, or unduly prejudicial as compared with the rates from Chicago, Ill., to the same points.

Wellesley W. Gage v. *Erie Railroad Co.* (33 I. C. C., 593.)

4357. Fifty-trip family ticket, good for transportation of complainant and members of his immediate family, held not to include, within the meaning of the definition of such members, a son-in-law who lived with, but was not dependent upon, complainant. Complaint dismissed.

Rayner & Parker v. *Louisville & Nashville Railroad Co.* (33 I. C. C., 595.)

4358. Complainant shipped from Poley, Ala., a car of lumber consigned in the first instance to Altoona, Pa., but reconsigned in transit to Nicholson, Pa. The reconsignment was effected by the Louisville & Nashville Railroad Company at Cincinnati, Ohio, and charges were collected at Nicholson upon basis of the combination of rates to and from that point. Upon complaint alleging that such charges were unreasonable; *Held*, That upon the facts of record in this case and for the reasons stated in *Central Commercial Co.* v. *L. & N. R. R.*, 27 I. C. C., 114, 33 I. C. C., 164, reconsignment should have been permitted upon basis of the joint through rate contemporaneously in effect from Poley to Nicholson, plus $5 for services rendered in effecting the reconsignment. Reparation awarded.

Johnson v. *Southern Pacific Co.* (33 I. C. C., 597.)

4359. Defendants' tariff rule prescribing 200 per cent of the rates applicable on shipments of sheep in single-deck cars for the transportation of sheep in double-deck cars found to be unreasonable.

4360. Rate charged by defendant Southern Pacific Company for the transportation of sheep in carloads from Midland, Oreg., to San Francisco, Cal., found to have been unreasonable. Reparation awarded.

Lumber transit privileges at Buffalo, N. Y. (33 I. C. C., 601.)

4361. Proposed increase rates for the transportation of hardwood lumber from southern points, stopped in transit at Buffalo, N. Y., and reconsigned to points east, northeast, and southeast thereof, found to have been justified.

4362. Rates, regulations, and practices of defendant southern lines applying to the transportation of hardwood lumber stopped in transit at Buffalo, N. Y., not found to be unreasonable or unjust discriminatory, except as to the rule published by the Morgan's Louisiana & Texas Railroad & Steamship Co., providing for application of combination rates on shipments routed over certain lines, which is found to be unreasonable.

Rates on paper and other commodities from New England points to New York, N. Y., and other points. (33 I. C. C., 609.)

4363. Increase in rates on paper of various kinds from New England points to New York, N. Y., and adjacent points found to have been justified in part.

Rates on grain and grain products from Omaha, Nebr., St. Louis, Mo., and Ohio River crossings and related points to Jackson and Meridian, Miss. (33 I. C. C., 613.)

4364. Carriers authorized to continue rates on grain and grain products from Omaha, Nebr., St. Louis, Mo., and Ohio River crossings to Jackson and Meridian, Miss., on basis of combination on Vicksburg, Miss., lower than rates concurrently applicable on like traffic to intermediate points.

4365. Authority to continue rates between Vicksburg, Miss., and stations on the Alabama & Vicksburg Railway, applicable on grain and grain products, that result in higher charges on grain and grain products from Omaha, Nebr., St. Louis, Mo., and Ohio River crossings to intermediate points than to Jackson and Meridian, Miss., denied.

Proportional rates on grain products from Omaha, Nebr., and other points to destinations south of the Ohio River. (33 I. C. C., 621.)

4366. Proposed increases in rates on grain products from Omaha, Nebr., to local stations on Illinois Central Railroad and Yazoo & Mississippi Valley Railroad in the Mississippi Valley not justified in full.

Interstate class and commodity rates between stations in the state of Louisiana. (33 I. C. C., 626.)

4367. Respondents sought to cancel certain state basing rates used as interstate factors on traffic moving between certain stations in the state of Louisiana and to substitute a higher scale of rates; *Held*, Without passing upon the reasonableness of the proposed increases, that to allow the proposed rates to become effective while lower rates apply on state traffic between the same points would result in unjust discrimination against interstate shippers. Cancellation of suspended schedules required.

Application of Georgia, Florida & Alabama Railway Co. under the provisions of the Panama Canal act. (33 I. C. C., 632.)

4368. Upon application of the Georgia, Florida & Alabama Railway Co. that it be permitted to continue to own and operate a steamboat between Carrabelle and Apalachicola, Fla.; *Held*, That so long as the respective operations of petitioner's rail line and boat line remain as at present, the rail line does not or may not compete with the boat line, and that the continued ownership and operation is not and will not be in violation of section 5 of the act to regulate commerce as amended by the Panama Canal act.

Cullman Commercial Club v. *Louisville & Nashville Railroad Co.* (33 I. C. C., 634.)

4369. Maintenance of higher class and commodity rates from New Orleans, La., to Cullman, Ala., a point intermediate to Decatur, Ala., than are contemporaneously maintained to Decatur found to be unjustly discriminatory against Cullman. Fourth section application denied.

Stone's Express (Inc.) v. *Boston & Maine Railroad.* (33 I. C. C., 638.)

Upon petition for the establishment of through routes and joint rates between petitioner's water line and respondents' rail lines and rail-and-water lines; *Held:*

4370. That petitioner is a common carrier and entitled to participate in such through routes and joint rates.

4371. That, under the circumstances of the case, the Boston & Maine Railroad will not be required to join with petitioner in through routes and joint rates.

4372. If the other respondents and petitioner do not agree upon satisfactory through routes, with or without joint rates, an order will be entered establishing same.

Newport Mining Co. v. *Chicago & North Western Railway Co.* (33 I. C. C., 646.)

4373. The carriers serving mines in the Michigan peninsula simultaneously filed supplementary tariffs separating their charge on ore traffic and applying a 5-cent per gross ton additional charge for dock service, but keeping in effect the old rate which then applied only for the service of assembling and line haul up to dockyard; *Held*, That the effect of this change is to increase the rate for service formerly performed at a lower rate and the burden is on the carriers to justify the increased total charges.

4374. In judging the reasonableness of a rate in territory served by several carriers the line most favorably situated with respect to earnings, traffic, and operations will not alone be considered; and, conversely, consideration will not be confined to the line of poorest earnings, traffic conditions, etc.

4375. When discrimination is claimed as a ground for disturbing a blanket rate it must be shown that the discrimination resulting is unlawful; i. e., that one shipper or class of shippers is damaged thereby and that another shipper or class of shippers is correspondingly benefited.

4376. The increased charges found to be justified, and complaints dismissed.

Oregon-Washington Railroad & Navigation Co.'s ownership of steamboats. (33 I. C. C., 658.)

Upon application of the Oregon-Washington Railroad & Navigation Co. under the provisions of section 5 of the act to regulate commerce, as amended by section 11 of the Panama Canal act, for an extension of time beyond July 1, 1914, during which petitioner may continue to operate boats on the Willamette and Columbia rivers, Lake Coeur d'Alene, and the Snake River; *Held:*

4377. That the Oregon-Washington Railroad & Navigation Co. does or may compete with its boats in their operations on the Willamette and Columbia rivers, Lake Coeur d'Alene, and the Snake River within the meaning of the act.

4378. That the operation of these boats is in the interest of the public and of advantage to the convenience and commerce of the people; that their continued operation by petitioner will neither exclude, prevent, nor reduce competition on the routes by water, and that the application should be granted.

4379. That the rates, fares, schedules, and regulations of these boats on the Columbia and Willamette rivers, on Lake Coeur d'Alene, and on the Snake River, governing traffic subject to the act, moved by them, must be filed with the Commission and posted to the public as required by the act and the rules and regulations of the Commission.

Rates on grain and grain products from Topeka, Kans., Kansas City, Mo., and other points, to Dubuque, Iowa, and other points. (33 I. C. C., 666.)

4380. Proposed increased joint through rates on grain and grain products from stations in Kansas and other states to points in Iowa found to be justified as correcting rates published in error.

4381. Proposed cancellation of joint through rates on grain and grain products from stations in Kansas and other states to points in Wisconsin, leaving in effect combinations of local rates on the Missouri River, found to be justified.

Rates on scrap iron from Gulf ports. (33 I. C. C., 668.)

4382. Proposed increased rates on scrap steel and iron from the Mississippi Valley and certain Gulf ports to St. Louis, Ohio River crossings, and points beyond found to have been justified. Order of suspension vacated.

Chamber of Commerce of Freeport, Ill., v. *Chicago, Milwaukee & St. Paul Railway Co.* (33 I. C. C., 673.)

4383. The present class rates between Freeport, Ill., and Rockford, Ill., and points east of the Illinois-Indiana state line found unduly discriminatory. The Rockford rates also found to be unjust and unreasonable. Lower class rates prescribed for the future.

In re the Cummins amendment. (33 I. C. C., 682.)

4384. The act of March 4, 1915, known as the Cummins amendment to the act to regulate commerce, discussed and construed.

Lake line applications under Panama Canal act. (33 I. C. C., 699.)

Upon applications of certain railroads under the Panama Canal act for an extension of time during which their interest in and operation of certain boat lines plying on the great lakes might be continued; *Held:*

4385. That the physical fact of ports of call being served in common by the boats and the paralleling rails of the owning railroad establishes a case of competition existing between the owning railroad and its boat line.

4386. That the case is the same where the railroad entity which owns the boat line also owns, through stock control, another railroad entity, or is an integral part of a system of railroad whose paralleling rails serve ports of call in common with the boats.

4387. That where an owning railroad is a party to through all-rail routes or a member of "fast freight lines" or an association of railroads owning boat lines whose function is to keep the operation of their boat lines from interfering with the rail operations, the interest it thus maintains in common with the rail carriers whose rails do compete with its boat line is such an interest as the act provides against, and that it is possible for such an owning railroad to compete with its boat line for traffic, within the meaning of the act.

4388. That the purpose of the Panama Canal act was to preserve to the common interest of the people, free and unfettered, the "water roadbed" via the Panama Canal. Also to restore all the water routes of the country to the same condition of freedom from domination that would reduce their usefulness as a natural means of transportation.

4389. That Congress has decreed that there shall be a restoration of conditions which prevailed when railroads had no interest in and exercised no control over the boat lines plying upon the country's water routes. The inquiry in these cases is, Is the joint operation of these boat lines such as to make of them an exception?

4390. That upon the respective records herein concerned, none of the several existing specified services by water is being operated in the interest of the public or is of advantage to the convenience or commerce of the people within the meaning of the act, and that an extension of the respective interests of the petitioners therein will prevent, exclude, and reduce competition on the great lakes. The application of each of the petitioners herein is therefore denied, effective December 1, 1915.

Streeter Lumber Co. v. *Chicago, Milwaukee & St. Paul Railway Co.* (34 I. C. C., 1.)

4391. Reasonableness of charge of $40 for feeding, watering, and resting a carload of horses at Schenectady, N. Y., found not to be within the jurisdiction of the Commission. Complaint dismissed.

Hooker-Hendrix Hardware Co. v. *Missouri, Kansas & Texas Railway Co.* (34 I. C. C., 3.)

4392. Carload rates for the transportation of prepared roofing paper and building paper from East St. Louis, Ill., St. Louis, Mo., and Kansas City, Mo., to Muskogee, Tulsa, and McAlester, Okla., found to have been unreasonable. Rates for the future prescribed. Reparation awarded.

Durham Coal & Iron Co. v. *Central of Georgia Railway Co.* (34 I. C. C., 10.)

4393. Rate on coke in carloads from Durham and Chickamauga, Ga., to Pacific Coast terminals found unjustly discriminatory and unduly prejudicial to the extent that it exceeds the rate contemporaneously in effect to the same points from the Birmingham, Ala., district.

4394. Minimum carload weight unreasonable when the cars in which the shipments are made are incapable of being loaded to that weight. Tariffs should provide that in such cases the marked capacity of the car used will govern.

Commodity rates to Pacific coast terminals and intermediate points. (34 I. C. C., 13.)

4395. Plans suggested for constructing rates to intermediate back-haul points not approved. Carriers authorized to construct such rates by adding to terminal rates not more than 75 per cent of the local rates from the nearest terminal to destination, or by adding arbitraries to the terminal rates, varying with distance from the ports, such arbitraries to be not more than 75 per cent of the local rates, the aggregate not to exceed the maximum prescribed for intermediate points in this order.

4396. Carriers authorized to extend terminal rates to the following Pacific coast ports: San Diego, San Pedro, East San Pedro, Wilmington, East Wilmington, San Francisco, and Oakland, Cal.; Astoria and Portland, Oreg.; Vancouver, Bellingham, South Bellingham, Everett, Tacoma, Seattle, Aberdeen, Hoquiam, and Cosmopolis, Wash.

4397. Report and order of January 29, 1915, so modified as to permit maximum less-than-carload rates from the Missouri River to intermediate points on first and second class commodities of $1.72 per 100 pounds when lower rates are applicable to coast terminals.

Brantley Co. v. *Atlantic Coast Line Railroad Co.* (34 I. C. C., 21.)

4398. Rates on sea-island seed cotton from points in northern Florida to Blackshear, Ga., not found unreasonable and complaint dismissed.

Gray & Smith v. *Pennsylvania Co.* (34 I. C. C., 25.)

4399. Where reparation is sought because of the loss of milling-in-transit service due to misrouting, the final destination of the shipment or its products must be shown in order to establish the fact and amount of damages. Complaint dismissed.

Jaeger v. *Ann Arbor Railroad Co.* (34 I. C. C., 28.)

4400. Complainant purchased a mileage book entitling him to 1,000 miles of transportation over defendants' lines. One of the conditions on which the book was sold provided that if the cover was presented to the proper bureau within 18 months from date of issue a refund of $5 would be made to the purchaser. Complainant lost his book and did not find it in time to present it within the time limit. When he finally presented it to defendants in accordance with their tariff regulations, refund was refused; *Held*, That the regulation is not shown to be unreasonable. Complaint dismissed.

McArthur Brothers Co. v. *El Paso & Southwestern Co.* (34 I. C. C., 30.)

4401. Complaint alleges an agreement by defendant to transport free of charge workmen and supplies required by complainant, a contractor, for the performance of a construction contract with defendant and defendant's refusal to carry free inbound shipments of supplies to a milling company under contract with complainant to purchase grain for complainant's use, and to reship it to complainant as ordered; *Held*, An action for damages for breach of contract, beyond the jurisdiction of the Commission.

New Orleans Vegetable Growers, Merchants & Shippers Asso. v. *Illinois Central Railroad Co.* (34 I. C. C., 32.)

4402. Rates and minimum weights on vegetables in carloads from New Orleans, La., to Chicago, Ill., and other northern markets not found unreasonable.

4403. Complete revision directed of defendants' schedules of estimated weights applying on shipments of vegetables from New Orleans and other Louisiana points.

4404. Fourth-section violations alleged in complaint found to have been eliminated by defendants.

4405. Rates on vegetables from New Orleans, La., to Kansas City, Mo., and to Buffalo-Pittsburgh territory found to be unjustly discriminatory to the extent that they exceed by more than 5 cents per 100 pounds the rates contemporaneously maintained from Southport Junction, La., and the discrimination required to be removed.

Mecch & Stoddard v. *Grand Trunk Railway Co. of Canada.* (34 I. C. C., 39.)

4406. To meet competition from Buffalo defendants maintain joint through rates on ex lake grain from Georgian Bay ports to numerous points in New England. Middletown, Conn., is a similarly situated point and competes with the other points involved in the purchase and sale of grain and grain products. Defendants refuse to extend the rates described to Middletown on the ground that the rates are unremunerative and that they desire not to enhance their losses; *Held*, That defendants unjustly discriminate against Middletown.

Rates on cotton piece goods. (34 I. C. C., 41.)

4407. Proposed increased rates on cotton piece goods and woolen piece goods from North Adams, Mass., and other points on the Boston & Maine and Boston & Albany railroads to New York, N. Y., and other points found to have been justified. Orders suspending the operation of the tariffs vacated.

Great Western Sugar Co. v. *Yazoo & Mississippi Valley Railroad Co.* (34 I. C. C., 45.)

4408. Charges collected for the transportation of a carload of sugar from Memphis, Tenn., to Asheville, N. C., reconsigned to Charleston, S. C., not found to have been unreasonable. Complaint dismissed.

Application of the Pennsylvania Co. under the Panama Canal act. (34 I. C. C., 47.)

Upon application of the Pennsylvania Co. and the Canadian Pacific Railway Co. under the provisions of section 5 of the act to regulate commerce, as amended by the Panama Canal act, to continue their interest in and joint operation of the Pennsylvania-Ontario Transportation Co.; *Held:*

4409. That the existence of through all-rail routes with joint rates applicable thereto in which the petitoners participate renders it possible for petitioners to

compete with the boat line in which they are interested within the meaning of the act.

4410. Upon the facts of record the continued joint interest in and operation of the Pennsylvania-Ontario Transportation Co. by the petitioners herein is in the public interest and will neither exclude, prevent, nor reduce competition on the route by water under consideration.

Application of the Grand Trunk Railway Co. under the Panama Canal act. (34 I. C. C., 49.)

Upon application, under section 5 of the act to regulate commerce, as amended by the Panama Canal act, of the Grand Trunk Railway Co. of Canada to continue its interest in and joint operation of the Ontario Car Ferry Co. (Ltd.) of Canada; *Held:*

4411. That the participation of petitioner in through all-rail routes between the ports served by the ferryboat line in which it is interested makes it possible for the petitioner to compete with such ferryboat line within the meaning of section 5 of the act as amended by the Panama Canal act.

4412. That the facts support a finding that the existing service by water is being operated in the interest of the public and is of advantage to the convenience and commerce of the people, and that a continuance thereof will neither exclude, prevent, nor reduce competition on the route by water under consideration. The Ontario Car Ferry Co. will be expected to file its tariffs according to law, to become effective by July 1, 1915.

Application of the Buffalo, Rochester & Pittsburgh Railway Co. under the Panama Canal act. (34 I. C. C., 52.)

Upon application, under section 5 of the act to regulate commerce, as amended by the Panama Canal act, of the Buffalo, Rochester & Pittsburgh Railway Co. to continue its interest in and joint operation of the Ontario Car Ferry Co. (Ltd.), of Canada; *Held:*

4413. That the participation of petitioner in through all-rail routes between the ports served by the ferryboat line in which it is interested makes it possible for the petitioner to compete with such ferryboat line within the meaning of section 5 of the act as amended by the Panama Canal act.

4414. That the facts support a finding that the existing service by water is being operated in the interest of the public and is of advantage to the convenience and commerce of the people, and that an extension of the petitioner's interest therein will neither exclude, prevent, nor reduce competition on the route by water under consideration. The Ontario Car Ferry Co. will be expected to file its tariffs according to law, to become effective by July 1, 1915.

Application of Grand Trunk Western Railway Co. under the Panama Canal act. (34 I. C. C., 54.)

Upon application of the Grand Trunk Western Railway Co., under the provisions of section 5 of the act to regulate commerce, as amended by the Panama Canal act, to continue its interest in the Grand Trunk Milwaukee Car Ferry Co., *Held:*

4415. That the interownership existing between the Grand Trunk Milwaukee Car Ferry Co., the Detroit, Grand Haven & Milwaukee Railway Co., the Grand Trunk Western Railway Co., and the Grand Trunk Railway Co. of Canada is such as to bring the present application within the provisions of section 5 of the act.

4416. That the existence of through routes via which joint through rates are applicable to Milwaukee, participated in by the petitioner, establishes a possibility of competition between the rails of the petitioner and the boats in which it is interested.

4417. That the operation of the existing specified service by water line concerned is in the interest of the public and is of advantage to the convenience and commerce of the people, and that an extension of such interest and operation will neither exclude, prevent, nor reduce competition on the route by water under consideration. The Grand Trunk Milwaukee Car Ferry Co. will be required to file its tariffs according to law, to become effective by July 1, 1915.

Blackburn-Warden Co. v. *Illinois Central Railroad Co.* (34 I. C. C., 58.)

4418. Double first-class rating under southern classification on grapes in baskets in less than carloads found to be justified. Complaint dismissed.

National Council of Farmers' Cooperative Associations v. *Chicago, Burlington & Quincy Railroad Co.* (34 I. C. C., 60.)

Upon complaint of shippers of grain owning elevators at country stations in the States of Illinois, Iowa, Minnesota, Nebraska, Kansas, North Dakota, and South Dakota alleging that defendants fail to furnish cars in suitable condition for the transportation of grain in bulk, and asking that they be required either to furnish cars suitable in all respects for carrying this traffic or make an allowance to shippers for work done and materials furnished to prepare the cars for loading; *Held:*

4419. It is the duty of carriers to furnish cars suitable to transport in safety traffic which they hold themselves out to carry, and this duty is not fulfilled when a carrier furnishes a car, upon reasonable request of a shipper, which requires repairing to prevent leakage of grain in transit.

4420. It is not unreasonable to expect shippers to do a limited amount of cleaning or to make minor and inexpensive repairs on such cars.

4421. It would be impracticable to fix by order any allowance that should be paid shippers for labor performed or materials furnished.

4422. Suggestions made that carriers specify in their tariffs what they will furnish in the way of materials, which must be uniform and adequate.

4423. Carriers' practice at terminal points with reference to preparing cars for loading grain in bulk not found to be unjustly discriminatory against complainant's members. Complaint dismissed.

Kansas City Missouri River Navigation Co. v. *Chesapeake & Ohio Railway Co.* (34 I. C. C., 67.)

Complainant, a water line operating on the Missouri and Mississippi rivers between Kansas City, Mo.-Kans., and East St. Louis, Ill., seeks the establishment of through rates and joint rates with defendants on grain and grain products from Kansas City to Norfolk and Newport News, Va., for export, and also asks that defendants be required to exchange bills of lading with it at Kansas City on traffic destined to points east of the Illinois-Indiana state line; *Held:*

4424. The imputation of doubtful financial responsibility on part of complainant does not justify defendants in refusing to establish through routes and joint rates with it, since, under the law, they may have recourse to the Commission for an order protecting them in this respect if necessary.

4425. The question of the establishment of joint rates between complainant and defendants is a matter of public concern and is not limited to the interests of the contending parties.

4426. A navigable river is a public highway and natural avenue of commerce which the public interests demand should be utilized to the fullest extent. *Decatur Navigation Co.* v. *L. & N. R. R. Co.*, 31 I. C. C., 281, 288. Defendants' refusal to join in through routes and joint rates is not responsive to the requirements of section 1 of the act and is unduly prejudicial to complainant under section 3.

4427. If the practice of exchanging bills of lading be indulged in as to other carriers, it is unjustly discriminatory against complainant to refuse like recognition to its bills of lading.

4428. No opinion expressed upon the measure of reasonable maximum rates, but through routes and joint rates should be established. Record held open for such further proceedings as may be necessary.

Ohio Iron & Metal Co. v. *Elgin, Joliet & Eastern Railway Co.* (34 I. C. C., 75.)

4429. Defendant mailed notice of arrival of a car of scrap iron at Chicago Heights, Ill., which was never received by the consignee; *Held*, That the carrier's duty was performed when it placed notice in the mail and that demurrage charges were properly assessed. Refund of $1 overcharge directed.

Southern Pacific Co.'s ownership of oil steamers. (34 I. C. C., 77.)

Upon application of the Southern Pacific Company and Associated Oil Co., under the provisions of section 5 of the act to regulate commerce, as amended by the Panama Canal act, for an extension of time beyond July 1, 1914, during which petitioner may retain ownership in oil steamers operated between certain California ports and points in Oregon, Washington, Alaska, and the Hawaiian Islands; *Held:*

4430. That a rail carrier does not necessarily have to reach a point in order to compete with water carriers that operate directly to that point, but that such competition may exist by the rail carrier's participation in joint rates.

4431. That the Southern Pacific Company does or may compete with its oil steamers between California ports and points in the states of Oregon and Washington, and such continued ownership and operation beyond July 1, 1914, is denied, effective July 15, 1915.

4432. That, unless the Southern Pacific Company participates, by its rail lines, or in connection with other lines, in transportation of oil from California points to a port for transshipment to Alaska, the continued ownership and operation of its oil steamers between the California ports and ports of Alaska, transporting only oil destined to Alaska, is not, and will not be, in violation of the provisions of section 5 of the act to regulate commerce, as amended by the Panama Canal act.

4433. That the Southern Pacific Company does not compete with its oil steamers in their operation to the Hawaiian Islands, and as to that service the continued ownership and operation of these boats will not be in violation of the provisions of section 5 of the act to regulate commerce, as amended by the Panama Canal act.

4434. That if petitiners own any common carrier pipe line which does or may compete with the operations of its boat line, such ownership and operation is within the provisions of the Panama Canal act.

4435. That nothing said herein is to be construed as a finding that the Southern Pacific Company's ownership in and transportation of its oil is not within the prohibition of the commodities clause of the act.

Application of the Ann Arbor Railroad Co. under the Panama Canal act. (34 I. C. C., 83.)

Upon application of the Ann Arbor Railroad Co. under the provisions of section 5 of the act to regulate commerce, as amended by the Panama Canal act, to continue its ownership and operation of certain car-ferryboats plying on Lake Michigan; *Held:*

4436. That the existence of paralleling through all-rail routes, via Chicago, reaching the ports served by the petitioner's boats, in which the petitioner participates, makes it possible for it to compete with its boats within the meaning of the act.

4437. That the existing specified service by water is being operated in the interest of the public and is of advantage to the convenience and commerce of the people, and that an extension thereof will neither exclude, prevent, nor reduce competition on the routes by water under consideration.

Application of the Pere Marquette and Bessemer & Lake Erie Railroad Co. under the Panama Canal act. 34 I. C. C., 86.)

Upon application of the Pere Marquette Railroad Co. under the provisions of section 5 of the act to regulate commerce, as amended by the Panama Canal act, to continue its interest in and operation of certain ferryboat lines, and upon a like application of the Bessemer & Lake Erie Railroad Co. to continue its interest in and joint operation of the Marquette & Bessemer Dock & Navigation Co.; *Held:*

4438. That the record does not show that the rail lines of the Pere Marquette Railroad Co. compete with its ferryboats operating on the Detroit River between Detroit, Mich., and Windsor, Ontario, and on the St. Clair River between Port Huron, Mich., and Sarnia, Ontario, within the meaning of the act to regulate commerce as amended.

4439. That the Pere Marquette Railroad Co. is a party to paralleling through all-rail routes via Chicago to the ports served by its ferryboats operating on Lake Michigan, and that within the meaning of the act said petitioner may compete with such ferryboats.

4440. That the petitioners, Pere Marquette Railroad Co. and Bessemer & Lake Erie Railroad Co., are parties to paralleling through all-rail routes between the ports served by their ferryboat operating on Lake Erie, and that said petitioners may compete with said ferryboat within the meaning of the act.

4441. That the record shows that the existing specified services by water on Lake Erie and Lake Michigan are of advantage to the convenience and commerce of the people, and that a continuance thereof will neither exclude, prevent, nor reduce competition on the respective routes by water under consideration.

The ferryboat line of the petitioners will be required to file such of its tariffs as are not now on file with the Commission in accordance with the provisions of the act to become effective by July 1, 1915.

Parlin & Orendorff Co. v. *Illinois Central Railroad Co.* (34 I. C. C., 90.)

4442. The discrimination at present existing against Canton, Ill., in favor of Peoria, Ill., in the rates on agricultural implements in carloads to local points on the Illinois Central Railroad in Kentucky, Tennessee, and Mississippi not found to be undue. The question of unreasonableness of rates from Canton not decided, owing to readjustment being made in connection with Fourth Section Order No. 3866. Complaint dismissed.

San Toy Coal Co. v. *Akron, Canton & Youngstown Railway Co.* (34 I. C. C., 93.)

4443. Complainant attacks as unreasonable and unduly discriminatory defendants' rates on bituminous coal in carloads from San Toy, Ohio, and other points in the Crooksville, Ohio, coal district to Chicago, Ill., and to points in the States of Illinois, Indiana, and Michigan. Upon the facts disclosed of record; *Held*, That the rates unjustly discriminate against shipments from mines of complainant and others located in the same district in favor of mines located in the middle district of Ohio. Defendants required to remove the discrimination.

4444. Complaint is also made of rates from San Toy and other points in the Crooksville district to Lake Erie ports for transshipment; *Held*, That the evidence fails to show that the rates complained of are unreasonable or otherwise in violation of law.

Lumber rates from points in Arkansas and other States to Sioux City, Iowa. (34 I. C. C., 102.)

4445. Proposed increased rates on yellow-pine lumber from the southwestern blanket to Sioux City, Iowa, found not to be justified.

Larkin Co. v. *Erie & Western Transportation Co.* (34 I. C. C., 106.)

4446. Previous decision in this case modified upon reargument.

Board of Railroad Commissioners of the State of Iowa v. *Atchison, Topeka & Santa Fe Railway Co.* (34 I. C. C., 111.)

4447. Rates on cedar shingles from points in Oregon, Washington, Idaho, and Montana to points in Iowa found to be unjustly discriminatory.

4448. Fourth section applications seeking authority to charge lower rates on cedar shingles from points in Oregon, Washington, Idaho, and Montana to Chicago, Ill., and St. Louis, Mo., than to intermediate points, denied.

The Tap Line Case. (34 I. C. C., 116.)

4449. Joint rates on hardwood lumber from mills located on Louisiana & Pine Bluff Railway at Huttig, Ark., in excess of the rates on the same commodity from the station at Huttig onthe rails of the St. Louis, Iron Mountain & Southern Railway held to be unreasonable and discriminatory. Reparation awarded.

Ballou & Wright v. *New York, New Haven & Hartford Railroad Co.* (34 I. C. C., 120.)

4450. Rates charged for transportation of motorcycles in carloads from Armory, Mass., to Portland, Oreg., and Seattle, Wash., found to have been unreasonable to the extent that they exceeded the first-class rates contemporaneously in effect. Reparation awarded.

4451. Where a shipper has paid an excessive rate he may recover as reparation the difference between the rate paid and what would have been a reasonable rate at the time, even though the freight charges were added to the selling price of the article transported.

Reeves Coal Co. v. *Chicago, Milwaukee & St. Paul Railway Co.* (34 I. C. C., 122.)

4452. Complainant ordered a shipment reconsigned, provided the lowest rate between original point of origin and final point of destination would apply. Reconsignment was effected and lawful charges, higher than those which would have accrued at the lowest rate from point of origin to final destination, were collected; *Held*, That the case does not differ materially from one involving merely a misquoted rate. Complaint dismissed.

Mixed carload shipments of lime, cement, and plaster from interstate to Arkansas points. (34 I. C. C., 124.)

4453. Proposed withdrawal of tariff provision under which mixed carloads of lime, cement, and plaster are shipped "from interstate to Arkansas points" found not to be justified. Tariff withdrawing the provision ordered to be canceled, and carriers required to name such provision by other tariffs, upon the basis of the highest rated commodity contained in the mixture.

City of Charlotte v. *Southern Railway Co.* (34 I. C. C., 128.)

4454. Rates on cast-iron pipe in carloads from East Radford and Lynchburg, Va., and Anniston, Ala., to Charlotte, N. C., and Rock Hill, S. C., not found to have been unreasonable. Fourth section applications named granted in part and denied in part.

Dewey Bros. Co. v. *Pittsburgh, Cincinnati, Chicago & St. Louis Railway Co.* (34 I. C. C., 135.)

Complainant assails as unreasonable and unjustly discriminatory defendants' rates for the transportation of grain and grain products from Trebein and Leesburg, Ohio, to various points in West Virginia, Kentucky, and Virginia, as compared with lower rates to Norfolk, Va., to which the destinations involved are intermediate; *Held:*

4455. That the maintenance of lower rates for the transportation of grain and grain products from Trebein and Leesburg to Norfolk than to intermediate points west of and including Bluefield, W. Va., is not justified. Relief from the provisions of the fourth section of the act denied.

4456. That rates on grain products from Trebein and Leesburg to main-line points on the Norfolk & Western west of and including Bluefield were, and for the future will be, unreasonable to the extent that they respectively exceeded or exceed 15.4 and 14.9 cents per 100 pounds. Reparation denied.

4457. Rates on grain products from Trebein and Leesburg to branch line points on the Norfolk & Western both east and west of Bluefield not shown to be unreasonable.

Westbound transcontinental refrigeration charges. (34 I. C. C., 140.)

4458. Proposed new refrigeration charges on perishable commodities, iced by the shipper and delivered to the carrier with specific notice not to re-ice in transit not justified.

4459. Proposed increased charges per car for the re-icing in transit of perishable commodities shipped from Missouri River territory to north Pacific coast, Spokane, and Montana territories, justified.

Wilson-Leuthold Lumber Co. v. *Chicago, Milwaukee & St. Paul Railway Co.* (34 I. C. C., 146.)

4460. Rate of 20 cents per 100 pounds for the transportation of lumber in carloads from Spokane, Wash., to Butte, Mont., over the lines of the Northern Pacific and the Chicago, Milwaukee & St. Paul railways, found unreasonable. Reasonable maximum rate prescribed for the future.

Rates on hay to Chicago, Ill. (34 I. C. C., 150.)

4461. Supplements to the Lowrey tariff governing switching in the Chicago, Ill., switching district, by which the Wabash Railroad Co. proposes to discontinue its absorption of switching charges in that district on hay in carloads, allowed to become effective. Orders of suspension vacated.

Albert Miller & Co. v. *Northern Pacific Railway Co.* (34 I. C. C., 154.)

4462. Upon complaints alleging that defendants' rules and charges relating to the protection from cold of potatoes in transit are unreasonable and unjustly discriminatory; *Held*, That complainants have not shown themselves entitled to relief. Complaints dismissed.

Arizona Corporation Commission v. *Atchison, Topeka & Santa Fe Railway Co.* (34 I. C. C., 158.)

The complaint attacks as unreasonable the rates on sugar and sirup in straight and mixed carloads from producing and refining points in California to all points in Arizona. Subsequent to the hearing the carriers published reduced rates on these commodities to many points of destination in the state; *Held:*

4463. Except as to the rates to Phoenix and Prescott, Ariz., the evidence of record does not show that the rates in effect at the time of the hearing on sugar

and sirup in straight carloads, minimum weight 36,000 pounds, were unreasonable to a greater extent than the amounts of the reductions since made.

4464. Rates to Phoenix and Prescott ordered to be established for the future upon a basis of not more than 5 cents per 100 pounds higher than the rates to the junction points.

4465. No finding is made as to the rates on sugar and sirup in mixed carloads.

Concentration of cotton at Alexandria, La. (34 I. C. C., 163.)

4466. Proposed increases in rates on cotton and cotton linters concentrated and compressed at Alexandria, La., and reshipped via respondent's line not justified. Suspended schedules must be canceled.

Oregon-Washington Railroad & Navigation Co.'s ownership of the San Francisco & Portland Steamship Co. (34 I. C. C., 165.)

Upon application of the Oregon-Washington Railroad & Navigation Co., under the provisions of section 5 of the act to regulate commerce as amended by the Panama Canal act, for an extension of time beyond July 1, 1914, in which petitioner may continue to operate the San Francisco & Portland Steamship Co.; *Held:*

4467. Following *Lake Line Applications Under Panama Canal Act*, 33 I. C. C., 699, and *S. P. Co. Ownership of Oil Steamers*, 34 I. C. C., 77, a rail carrier does not necessarily have to reach a point in order to compete for traffic with water carriers that operate directly to that point, but such competition may exist by the rail carriers participating in joint rates.

4468. The Oregon-Washington Railroad & Navigation Co. does or may compete for traffic with the San Francisco & Portland Steamship Co. within the meaning of the act.

4469. The operation of San Francisco & Portland Steamship Co. is in the interest of the public and of advantage to the convenience and commerce of the people, and a continuance of such operation will neither exclude, prevent, nor reduce competition on the route by water. The application should be granted.

4470. All the rates, fares, schedules, and regulations of the San Francisco & Portland Steamship Co. covering traffic subject to the act moved by it in the operations considered herein must be filed with the Commission and posted, as required by the act and the rules and regulations of the Commission.

Transit rates on logs and staves at Alexandria, La. (34 I. C. C., 169.)

4471. Proposed withdrawal of milling-in-transit rates on logs, rough staves, and stave bolts at points in Louisiana not found to have been justified. Tariff under suspension ordered canceled.

Southern Pacific Co.'s steamboats on the Sacramento River. (34 I. C. C., 174.)

Upon application of the Southern Pacific Co. and the Central Pacific Railway Co., under the provisions of section 5 of the act to regulate commerce as amended by the Panama Canal act, for an extension of time beyond July 1, 1914, during which petitioner may continue to operate boats on the Sacramento River and connecting waters; *Held:*

4472. That the Southern Pacific Co. does compete for traffic with its boat line in its operation on the Sacramento River and connecting waters within the meaning of the act.

4473. That the operation of the boat line is in the interest of the public and of advantage to the convenience and commerce of the people; that its continued operation by petitioner will neither exclude, prevent, nor reduce competition on the route by water, and that the application should be granted.

4474. That the rates, fares, schedules, and regulations of the boat line on the Sacramento River and connecting waters, governing traffic subject to the act, moved by it in its operations considered herein must be filed with the Commission and posted as required by the act and the rules and regulations of the Commission.

Pennsylvania Paraffine Works v. *Pennsylvania Railroad Co.* (34 I. C. C., 179.)

4475. This Commission has the power to require carriers to furnish all necessary equipment, both ordinary and special, upon reasonable request. *Vulcan Coal & Mining Co.* v. *I. C. R. R. Co.*, 33 I. C. C., 52.

4476. The question of what is a reasonably adequate car supply is an administrative one of which this Commission alone can take original jurisdiction.

4477. A shipper's request for cars especially suited for the transportation of his products would not be reasonable if the cars must be prepared for shipment in a manner which is peculiarly within the technical knowledge of men connected with that industry, or if the movement of the commodity is a dangerous operation which can be safely performed only by men engaged in its production.

4478. The shipment of petroleum products in tank cars does not call for such technical knowledge as would render unreasonable complainants' request that defendant furnish these cars.

4479. From the standpoint of economy to the shipper, to the consumer, and the railroad, tank cars are the only proper cars to use in the shipment of petroleum.

4480. One of the tests to be relied upon in determining the reasonableness of a shipper's request for cars is to be found in the volume of his shipments in the past, due allowance being made for the growth of his business.

4481. All cars used by carriers, whether they be owned by the carriers themselves or leased from private car lines or from shippers, must be distributed without discrimination.

4482. Whatever transportation service or facility the law requires a carrier to supply, it has a right to furnish. *Atchison Ry. Co.* v. *U. S.*, 232 U. S., 199; *Arlington Heights Fruit Exchange* v. *S. P. Co.*, 20 I. C. C., 106.

4483. Defendant required to furnish a sufficient number of tank cars.

Enns Milling Co. v. *Chicago, Rock Island & Pacific Railway Co.* (34 I. C. C., 197.)

4484. In view of the action taken by the carriers since the hearing in withdrawing the lower rates from Hutchinson and McPherson, Kans., the fourth section application is denied.

4485. Defendants' rates for the transportation of flour, bran, and shorts from Inman, Kans., to various destinations in southwestern Missouri found unreasonable and reasonable rates prescribed for the future. Reparation awarded.

Grand Rapids Plaster Co. v. *Lake Shore & Michigan Southern Railway Co.* (34 I. C. C., 202.)

4486. Present carload rates and minimum carload weights on plaster and other gypsum products from Grand Rapids, Mich., to points in northern Illinois and southern Wisconsin are unjustly discriminatory as compared with rates and minimum weights on those commodities which the same carriers contemporaneously maintain or join in maintaining from Fort Dodge, Iowa, to such points. Defendants required to remove the discrimination.

4487. There is no discrimination against Grand Rapids and in favor of Fort Dodge in the practices of these defendants in making deliveries of plaster and other gypsum products from both points to team and industrial tracks in the Chicago switching district.

Board of Trade of Kansas City v. *Chicago, Milwaukee & St. Paul Railway Co.* (34 I. C. C., 208.)

4488. Joint class rates on coarse grain in carloads which exceeded the aggregate of intermediate commodity rates contemporaneously in effect found to have been unreasonable and unlawful.

4489. The Commission is confined in the making of awards of reparation to the injury or damage sustained by those who are the real and substantial parties at interest. Reparation denied.

4490. Applications for relief for violations of the fourth section, which have since been cured, are denied, and the waiver of the collection of certain undercharges authorized.

Application of the Erie Railroad Co. under the Panama Canal act. (34 I. C. C., 212.)

4491. Upon application of the Erie Railroad Co. under the provisions of section 5 of the act to regulate commerce, as amended by the Panama Canal act, for authority to continue its interest in and operation of the Lake Keuka Navigation Co.; *Held*, That said petitioner does not compete for traffic with the said Lake Keuka Navigation Co. within the meaning of the act.

Shands v. *Seaboard Air Line Railway.* (34 I. C. C., 214.)

4492. A state statute provided that carriers should reimburse shippers for expense incurred in staking flat cars for loading with lumber. Refusal of car-

riers to comply with this statute in connection with shipments of lumber moving in coastwise and foreign trade found not to have been unjustly discriminatory or unlawful. Complaint dismissed.

Rates on logs from Stuttgart and other points in Arkansas to Memphis, Tenn. (34 I. C. C., 216.)

4493. Proposed cancellation of rates on logs in carloads from Stuttgart, Ark., and other points in the same vicinity to Memphis, Tenn., not found to be justified.

Application of the Chicago & Erie Railroad Co. under the Panama Canal act. (34 I. C. C., 218.)

Upon applications of the Chicago & Erie Railroad Co. and the Erie Railroad Co., under the provisions of section 5 of the act to regulate commerce as amended by the Panama Canal act, to continue their interest in and operation of certain tugboats, barges, and other equipment used on the Chicago River; *Held:*

4494. That the ownership by the Erie Railroad Co. of the capital stock of the Chicago & Erie Railroad Co. is such as to render it a proper and necessary applicant under the act with respect to its interest in certain water equipment directly owned by its subsidiary.

4495. That the fact that the petitioners are parties to through all-rail route arrangements between the points served by the water equipment here involved, makes it possible for the petitioners to compete for traffic with such water equipment within the meaning of the act .

4496. That the service by water is being operated in the interest of the public and is of advantage to the convenience and commerce of the people, and that a continuance thereof will neither exclude, prevent, nor reduce competition on the route by water under consideration. The tariffs of rates applicable via this water route must be filed in accordance with the provisions of the act to become effective by July 15, 1915.

Monon Coal Co. v. *Chicago & Eastern Illinois Railroad Co.* (34 I. C. C., 221.)

4497. Rate of 87 cents per ton on coal to Chicago from mines in the Sullivan-Linton group of Indiana found not to be unduly discriminatory as compared with the rate of 77 cents applicable to the same destination from mines in the Brazil-Clinton district of Indiana.

Application of the Duluth, South Shore & Atlantic Railway Co., Grand Rapids & Indiana Railway Co., and the Michigan Central Railroad Co. under The Panama Canal act. (34 I. C. C., 229.)

Upon joint application of the Duluth, South Shore & Atlantic Railway Co., Grand Rapids & Indiana Railway Co., and the Michigan Central Railroad Co. under the provisions of section 5 of the act to regulate commerce, as amended by the Panama Canal act, to continue their joint interest in and operation of the Mackinac Transportation Co., owning ferryboats plying between St. Ignace, Mich., and Mackinaw City, Mich.; *Held:*

4498. That it appears that the petitioners are parties to through all-rail route arrangements between the ports served by their boats by which it is possible for them to compete for traffic with their boats within the meaning of the act.

4499. That the existing specified service by water is being operated in the interest of the public and is of advantage to the convenience and commerce of the people, and that a continuance thereof will neither exclude, prevent, nor reduce competition on the route by water under consideration.

Coffeyville Mercantile Co. v. *Missouri, Kansas & Texas Railway Co.* (34 I. C. C., 231.)

4500. Upon reargument; *Held*, That no occasion has been shown for modifying the original report and order.

Rates to or from certain points in the Chicago switching district. (34 I. C. C., 234.)

4501. Proposed cancellation of through routes and joint rates in connection with the Chicago Warehouse & Terminal Co. and the Merchants Lighterage Co. found not to have been justified. Suspended schedules ordered to be canceled.

Eastbound transcontinental cotton rates. (34 I. C. C., 248.)

4502. Proposed withdrawal of compression-in-transit arrangement on cotton from southern California and Arizona producing points to St. Louis, Mo., New

Orleans, La., Galveston, Tex., and intermediate territory east of El Paso, Tex., found not justified. Proposed increase in rates justified in part.

Louisiana Sugar Planters' Asso. v. *Illinois Central Railroad Co.* (34 I. C. C., 253.)

4503. Upon reargument, report and order in this case adhered to.

Rules governing the transportation of potatoes in refrigerator equipment. (34 I. C. C., 255.)

4504. Proposed change in wording of rule with respect to charges for rental of insulated cars found to have been justified. Order of suspension vacated.

California Pine Box & Lumber Co. v. *Atchison, Topeka & Santa Fe Railway Co.* (34 I. C. C., 257.)

4505. Rates charged for the transportation of four carloads of box shooks from Williams, Ariz., over interstate routes to Clifton, Ariz., found to have been unreasonable. Reparation awarded.

Furniture Manufacturers Asso. of Grand Rapids v. *Ann Arbor Railroad Co.* (34 I. C. C., 262.)

4506. Rates on furniture from Grand Rapids, Mich., and Rockford, Ill., to Pacific coast terminals not found to be unreasonable or unduly discriminatory.

Indianapolis Chamber of Commerce v. *Cleveland, Cincinnati, Chicago & St. Louis Railway Co.* (34 I. C. C., 267.)

4507. The refusal of the lines serving Indianapolis to permit at that point storage in transit on apples not found to result in undue preference or advantage in favor of Chicago, St. Louis, and other western cities at which points storage in transit is permitted by the western lines.

Kanotex Refining Co. v. *Atchison, Topeka & Santa Fe Railway Co.* (34 I. C. C., 271.)

4508. The lawfully established interstate rate applies on shipments first billed to an intermediate point within the state of origin and then rebilled to the intended destination in an adjoining state, this plan having been devised for the sole purpose of getting the traffic through to the interstate destination at the rates applicable to and from the intermediate point, the sum of which was materially less than the through rate for the through service.

Proportional class rates to Iowa points. (34 I. C. C., 278.)

4509. Authority granted to establish same scale of proportional class rates as authorized by Fourth Section Order No. 3743, issued in supplemental report in the *Interior Iowa Cities case*, 29 I. C. C., 536, to apply west of the Mississippi River on traffic moving between certain additional interior Iowa cities located on the lines of the applicants between Burlington and Muscatine, Iowa, and points east of the Indiana-Illinois state line.

Des Moines commodity rates. (34 I. C. C., 281.)

4510. Present commodity rates on agricultural implements, asphalt, cement, bottles, mixed paints, and paper articles from Chicago to Des Moines found to require revision, but for reasons stated in report no order issued at this time.

4511. Rates on cherry lumber and glove leather from Chicago to Des Moines found unreasonable to the extent that the rate on cherry lumber exceeds the present fourth-class rate and that the rate on glove leather exceeds the present second-class rate. Reparation denied.

4512. Complaints involving class and commodity proportional rates between Des Moines and the Mississippi River on shipments originating at or destined to points east of the Illinois-Indiana State line dismissed without prejudice.

State Corporation Commission of New Mexico v. *Atchison, Topeka & Santa Fe Railway Co.* (34 I. C. C., 292.)

4513. Rates on the classes and certain commodities named in the report from Kansas City, Mo., St. Louis, Mo., and Chicago, Ill., to points in New Mexico found to be unreasonable and reasonable rates prescribed for the future.

4514. Permission denied under the fourth section of the act to the carriers operating from Kansas City, St. Louis, and Chicago to maintain lower rates to El Paso, Tex., than to intermediate New Mexico points on the classes, and also on commodities, except in the instances defined in the report.

4515. Contention that rates from Kansas City, St. Louis, and Chicago to El Paso are unduly depressed by reason of the action of the carriers from those points of origin in equalizing the rates to El Paso to the basis applied to Laredo and Eagle Pass in order that all these Rio Grande crossings may be placed on a parity in their competition with each other for traffic into Mexico, and because also of the competition of the water-and-rail routes from the eastern seaboard and from Europe to consuming markets in Mexico via the Mexican ports of Tampico and Vera Cruz, held not to constitute sufficient grounds for fourth section relief at El Paso. Competition of the water-and-rail routes from the markets of production on the eastern seaboard to El Paso via Galveston and other Gulf ports held to constitute a sufficient basis for fourth section relief in connection with commodity rates from Kansas City, St. Louis, and Chicago to El Paso in those cases in which the El Paso rates are thereby actually affected and depressed below a reasonable basis.

4516. Reasonable maximum rates prescribed on hay from Roswell and other points in the Pecos Valley of New Mexico to Fort Worth, Tex., and points taking the same rates, and on lumber from mills in Texas, Louisiana, and Arkansas to points in the Pecos Valley.

4517. Relation to the rates to Tucumcari, N. Mex., prescribed on sugar from California points, including San Francisco and Los Angeles, to points in New Mexico on the Atchison, Topeka & Santa Fe Railway from Vaughn to Clovis, inclusive.

Memphis Grain & Hay Asso. v. *Illinois Central Railroad Co.* (34 I. C. C., 315.)

4518. The transportation advantage of reshipping rates applied from St. Louis to Mississippi Valley on grain and mixed feed is no longer undue in its effect upon Memphis grain dealers; but the relief granted in extending the territory from which Memphis dealers may draw grain under the transit arrangement appears incomplete with respect to southwestern producing territory.

Gile & Co. v. *Southern Pacific Co.* (34 I. C. C., 319.)

4519. Through transcontinental carload and less-than-carload commodity rates to Willamette Valley and points south of Portland, Oreg., made by adding to the rates to Portland the local class rates from Portland to destination, found unreasonable, although not unduly preferential to points between Portland and Tacoma. Reasonable rates prescribed for the future.

Moore & Thompson Paper Co. v. *Boston & Maine Railroad.* (34 I. C. C., 323.)

4520. Rates for the transportation of imported wood pulp from Boston, Mass., to various New England points not found unreasonable or unjustly discriminatory. Complaint dismissed.

Western Newspaper Union v. *Aberdeen & Rockfish Railroad Co.* (34 I. C. C., 326.)

4521. The present less-than-carload classification rating on lead stereotype plates, new and old, in official and southern classification territories not found to be unreasonable or unjustly discriminatory. Complaint dismissed.

Magnolia Petroleum Co. v. *Aransas Pass Channel & Dock Co.* (34 I. C. C., 330.)

4522. Wharfage charges collected by defendants on shipments of fuel oil in bulk received by complainant at Port Aransas, Tex., found to have been improperly assessed under tariff provisions held to be inapplicable. Reparation awarded.

Haskew Lumber Co. v. *Nashville, Chattanooga & St. Louis Railway.* (34 I. C. C., 333.)

4523. Rates on lumber from South Pittsburg, Tenn., to Ohio River crossings of 17 cents per 100 pounds, and to Mississippi River crossings of 22 cents, not shown to be unreasonable or unjustly discriminatory against South Pittsburg in favor of Chattanooga, Tenn.

4524. The intention of the framers is not controlling with respect to the meaning of a tariff, which is to be construed according to its language. Upon interpretation of the tariff here in question, complainant found to have been overcharged on shipments which have been assessed charges in excess of 13 cents.

Charges for transportation and disposal of waste materials. (34 I. C. C., 337.)

4525. Eleven carriers in Ohio, Pennsylvania, and West Virginia filed a tariff establishing or increasing charges for disposal of slag and other refuse. Upon protest of certain iron and steel mills the tariff was suspended pending investigation; *Held*, That the tariff does not comply with the requirements of the act to regulate commerce in that it fails to name destination points. It is therefore ordered stricken from the files.

Merchants Exchange of St. Louis v. *B. & O. R. R. Co.* (34 I. C. C., 341.)

The intrastate rates from interior Missouri points to St. Louis, Mo., are lower than the interstate rates for the same movement applicable on through shipments. In Docket 6628 complainant attacks as unreasonable the requirement of central freight association and trunk line carriers that expense bills showing the payment of interstate rates inbound be surrendered in order to secure the reshipping rates outbound. The complainant in Docket 6662 alleges unjust discrimination because the combination of intrastate rates to St. Louis and outbound rates to central freight association, trunk line, southeastern, Mississippi Valley, and southwestern territories of which St. Louis shippers are able to avail themselves is lower than the rates for the through movement from interior Missouri points; *Held:*

4526. In the absence of local or flat rates from St. Louis proper shipments of grain and grain products are entitled to move out on reshipping rates "regardless of the point of origin of the grain and regardless of the rate paid on the inbound shipment" because "we must so construe the tariffs as to permit the traffic to move, if that be possible." Decision in *Merchants Exchange of St. Louis* v. *B. & O. R. R. Co.*, 30 I. C. C., 700, 702, reaffirmed.

4527. By maintaining interstate rates higher than the intrastate rates from interior Missouri points to St. Louis an unlawful and undue prejudice and advantage is given to St. Louis and an unjust and unlawful discrimination is effected against the interior Missouri and southern Illinois points and East St. Louis from which carriers serving St. Louis from the west are ordered to cease and desist.

4528. The record is not sufficient to justify a determination as to the reasonableness of the present interstate rates from interior Missouri points to St. Louis. No change should be made without due consideration of the relation of the rates to and from St. Louis with the rates to and from Memphis.

4529. While reshipping or proportional rates are applicable to part of a through but suspended movement from point of origin to ultimate destination, outbound local rates, although they may likewise apply to part of a through movement, can not be limited according to the point of origin of the shipment or the rates which were paid inbound. So long as there are intrastate rates published to St. Louis shippers can not be denied the right to avail themselves of these rates for movements which are clearly intrastate, and so long as there are flat rates published out of St. Louis shippers must be permitted, in proper cases, to ship outbound under these rates irrespective of the rates paid inbound. It is plain that the intrastate movement to St. Louis must be considered as a separate movement which can not be tied up to the outbound movement in such a manner as to constitute the two one through movement, provided the consignee has in good faith taken possession. *Gulf, Colorado & Santa Fe Ry. Co.* v. *Texas*, 204 U. S., 403; *Chicago, Milwaukee & St. Paul Ry Co.* v. *Iowa*, 233 U. S., 334.

4530. Absorption of elevation charges is made upon the theory that the inbound and outbound movements comprise a through movement and that the grain has been elevated in transit. Whenever the absorption is made the grain can not lawfully move forward except at the balance of the through rate.

Goldfield Cases. (34 I. C. C., 360.)

4531. There is practically no general freight traffic on the Tonopah & Goldfield Railroad, Bullfrog-Goldfield Railroad, Las Vegas & Tonopah Railroad, and Tonopah & Tidewater Railroad north of Ryan, Cal., except the transportation of supplies to Tonopah, Goldfield, and Millers, Nev.

4532. The lines of these railroads pass through an arid and mountainous region, barren of timber, and nearly devoid of other vegetation, with severe grades and difficult operating conditions.

4533. The scale of wages paid to employees is necessarily higher than in other sections of the United States.

4534. The traffic is so light and the revenues are so meager that only one of these roads has been able, since the date of its construction, to meet its operating expenses and fixed charges.

4535. The outlook for the future of these lines is not encouraging.

4536. The roads are apparently being operated with reasonable economy consistent with good service.

4537. The rates to these Nevada points are on a higher level than the rates for like distances in other parts of the country.

4538. The rates complained of in the cases above cited not found unreasonable. Complaints dismissed.

Iowa State Board of Railroad Commissioners v. *Arizona Eastern Railroad Co.* (34 I. C. C., 379.)

4539. Former order modified to authorize establishment from certain Iowa points to points in Kansas on and north of the main line of the Atchison, Topeka & Santa Fe Railway Co. rates not less than those in effect on May 31, 1911.

Nebraska State Railway Commission v. *Union Pacific Railroad Co.* (34 I. C. C., 381.)

4540. Rates on wheat and on corn, and articles taking the same rates, from certain stations on the line of the Union Pacific Railroad Co. in Nebraska to St. Joseph and Kansas City, Mo., and Leavenworth, Kans., not shown to be unreasonable or unjustly discriminatory. Complaint dismissed.

Louden Machinery Co. v. *Atchison, Topeka & Santa Fe Railway Co.* (34 I. C. C., 383.)

4541. Western classification rating applicable to feed or litter carriers in less than carloads, minimum weights applicable to the same commodities in straight carloads, or mixed with stalls, stanchion frames, or stanchions, and the refusal of defendants to permit the mixture of these commodities in carloads with agricultural implements not found to be unreasonable or otherwise in violation of the act. Complaint dismissed.

Bascom-French Co. v. *Atchison, Topeka & Santa Fe Railway Co.* (34 I. C. C., 388.)

4542. Rate of 34 cents per 100 pounds for the transportation of lumber and articles taking the lumber rate in carloads from Texas and Louisiana producing territory to Las Cruces, N. Mex., found unreasonable to the extent that it exceeds 28 cents per 100 pounds. Reparation denied.

Rates on stone and marble. (34 I. C. C., 390.)

4543. Proposed increased rates on stone and marble, not polished, lettered, or figured, from Chicago and Peoria, Ill., to St. Paul, Minn., found to have been justified for stone and marble, sawed or dressed, but not for rough stone and marble. Order of suspension vacated in part.

Montrose & Delta Counties Freight Rate Asso. v. *Denver & Rio Grande Railroad Co.* (34 I. C. C., 393.)

4544. Rates on classes and certain commodities from Missouri River points and points east thereof to Montrose, Olathe, Delta, Hotchkiss, and Paonia, Colo., not shown to be unreasonable or unjustly discriminatory. Complaint dismissed.

Montrose & Delta Counties Freight Rate Asso. v. *Denver & Rio Grande Railroad Co.* (34 I. C. C., 400.)

4545. Rates on apples, deciduous fruit, potatoes, onions, and other vegetables from points in Montrose and Delta counties, Colo., to destinations in the east not shown to be unreasonable or unjustly discriminatory.

4546. Upon the record herein the Commission is not prepared to require the establishment of rates on low-grade apples in bulk from Montrose and Delta counties to various destinations in the east lower than the rates on apples in packages contemporaneously in effect between the same points, but the question is of sufficient importance to merit further consideration by the defendants.

4547. Charges for the refrigeration of shipments set forth above found not unreasonable.

Montrose & Delta Counties Freight Rate Asso. v. *Denver & Rio Grande Railroad Co.* (34 I. C. C., 409.)

4548. Rates on classes and certain commodities from Los Angeles and San Francisco, Cal., and related points, to Delta, Olathe, Montrose, Hotchkiss, and Paonia, Colo., not shown to be unreasonable or unjustly discriminatory. Complaint dismissed.

Alpha Portland Cement Co. v. *Baltimore & Ohio Railroad Co.* (34 I. C. C., 414.)

4549. Rate of $2 per gross ton for the transportation of bituminous slack coal in carloads to Martins Creek, Pa., from mines in the Fairmont region of West Virginia and in the Westmoreland region of Pennsylvania, not found to be unreasonable or unjustly discriminatory.

4550. The requirement of a differential between slack and other sizes of bituminous coal not found to be justified.

Kansas City Live Stock Exchange v. *Atchison, Topeka & Santa Fe Railway Co.* (34 I. C. C., 423.)

4551. Assessment of freight charges upon hoof selling weights, less fill allowances, not found to be unlawful.

4552. Requirement that the variation between weights taken on track scales and hoof selling weights shall amount to 1,000 pounds per car as a condition to setting aside the one in favor of the other found to be unreasonable.

City of Danville v. *Southern Railway Co.* (34 I. C. C., 430.)

4553. The general adjustment of rates between Danville, Va., and points in the West, East, and South not found to be unreasonable or unjustly discriminatory, but in view of readjustments in rates from the West to points in North Carolina and in South Carolina and the establishment to such points of rates on grain and grain products and on flour lower than the class rates, the carriers will be expected to establish corresponding rates on those commodities to Danville.

4554. Rate of $2.20 per net ton for the transportation of bituminous coal to Danville from mines in the Pocahontas fields of West Virginia found to be unreasonable and rate of $2.10 prescribed for the future.

Grain elevation allowances at Kansas City, Mo., and other points. (34 I. C. C., 442.)

4555. Proposed cancellations of existing allowances for elevation at Kansas City, Mo., and other points, of grain and seeds, when not for export, destined to all points west and southwest of the Missouri River and in Louisiana west of the Mississippi River found to be justified.

George M. Spiegle & Co. v. *Southern Railway Co.* (34 I. C. C., 448.)

4556. Defendant's rules and regulations applicable to lumber handled in transit at Newport, Tenn., not found unreasonable or unjustly discriminatory. *National Casket Co.*, v. *S. Ry. Co.*, 31 I. C. C., 678, cited and followed.

4557. Charges on lumber bought by complainants at points between Newport, Tenn., and Asheville, N. C., shipped to Newport, and reshipped from the latter point under transit rates through Asheville to Virginia cities and east, not found unreasonable or unjustly discriminatory.

4558. Reparation denied. Complaint dismissed.

St. Louis Terminal Case. (34 I. C. C., 453.)

4559. The operation of "off-track" freight stations by certain transfer companies in St. Louis as public freight stations of the carriers found not to be unlawful or to result in discriminations that are undue.

4560. The constructive receipt and delivery of traffic at undefined points on the west bank of the Mississippi River found not to be available to all shippers and therefore condemned.

Sand and gravel rates from Wisconsin points to Chicago, Ill., and other points. (34 I. C. C., 467.)

4561. Proposed increased rates on sand and gravel in carloads from certain grouped points in Wisconsin to Chicago, Ill., and other Illinois points increasing the differential over the rates to the same points from nearer grouped points found not to have been justified.

Charles Este Co. v. *Atlantic Coast Line Railroad Co.* (34 I. C. C., 469.)

4562. Demurrage charges at Pinners Point, Va., on a carload of lumber shipped from Lamar, S. C., destined to Portsmouth, Va., found to have been unlawfully assessed.

4563. Penalty charge for nonfulfillment of certain obligations to vendee is in the nature of consequential damages, for the satisfaction of which recourse must be had to the courts.

Railroad Commission of Louisiana v. *St. Louis Southwestern Railway Co.* (34 I. C. C., 472.)

4564. The evidence upon supplemental hearing shows no material change in transportation conditions over the lines of defendants, either from or toward Shreveport, since this proceeding was first before the Commission.

4565. Class rates prescribed for transportation from Shreveport to points in eastern Texas, and also from points in eastern Texas, toward Shreveport, on the lines of all the defendants.

4566. As the transportation conditions for the competitive hauls here involved are substantially similar, justice demands that the same classification shall apply to all, and consequently that the western classification shall govern on traffic via the lines of these defendants from points in eastern Texas toward Shreveport.

4567. It is unjust discrimination for defendants to charge higher rates upon any commodity from Shreveport into eastern Texas than are contemporaneously charged for the carriage of such commodity for an equal distance from points in eastern Texas toward Shreveport; and such commodity rates should not exceed, distance considered, the corresponding class rates named herein.

4568. It constitutes unjust discrimination against Shreveport for defendants to charge higher inbound rates on uncompressed cotton from eastern Texas to Shreveport for concentration there than they contemporaneously charge, distance considered, on uncompressed cotton to concentration points in eastern Texas.

Stock & Sons v. *Chicago, Milwaukee & St. Paul Railway Co.* (34 I. C. C., 481.)

4569. The through rate on wheat, all rail, from Minneapolis, Minn., via Chicago, Ill., and Hillsdale and Litchfield, Mich., to New York, N. Y., and to other points taking New York rates, is 1 cent per 100 pounds higher than on flour. The aggregate rate on wheat shipped from Minneapolis, milled in transit at Hillsdale or Litchfield, and forwarded thence as flour to New York, is 1.7 cents higher than on flour. Said aggregate rate held to be unduly and unreasonably prejudicial and disadvantageous to complainant to the extent that it exceeds by more than the established transit charge the rate contemporaneously in effect on flour from Minneapolis to New York and to other points taking New York rates. *Federal Milling Co.* v. *M., St. P. & S. Ste. M. Ry. Co.*, 27 I. C. C., 696, cited and followed.

Spartanburg Chamber of Commerce v. *Southern Railway Co.* (34 I. C. C., 484.)

Upon complaint that defendants' class and commodity rates to Spartanburg, S. C., from eastern points, both all rail and ocean and rail; from Buffalo-Pittsburgh territory; from Ohio and Mississippi River crossings and points in central freight association territory; and from Virginia cities are unreasonable and unjustly discriminatory, *Held:*

4570. The ocean-and-rail rates from eastern points to Spartanburg via the port of Charleston, S. C., are unjustly discriminatory in so far as they exceed the ocean-and-rail rates to Charlotte, N. C.

4571. All-rail rates from the east to Spartanburg are unjustly discriminatory in so far as they exceed the all-rail rates to Charlotte by more than the rates to Spartanburg from the Virginia cities exceed the rates to Charlotte from the Virginia cities.

4572. Defendants' fourth section application seeking authority to charge joint through rates from eastern points to Spartanburg higher than the combinations on Norfolk, Va., denied.

4573. Rates from Ohio and Mississippi River crossings and points in central freight association territory to Spartanburg on traffic moving through Ohio River crossings and Asheville, N. C., are unjustly discriminatory in so far as they exceed the rates to Charlotte.

4574. Rates from Buffalo-Pittsburgh territory and from the Virginia cities to Spartanburg not shown to be unreasonable or unjustly discriminatory.

Pulp & Paper Manufacturers Traffic Asso. v. *Chicago, Milwaukee & St. Paul Railway Co.* (34 I. C. C., 500.)

4575. Petition of the Duluth & Northern Minnesota Railway that it be released from the order in this case, denied.

Louisiana State Rice Milling Co. v. *Morgan's Louisiana & Texas Railroad & Steamship Co.* (34 I. C. C., 511.)

4576. Defendants' so-called "shipper's load and count" provision, indorsed on bills of lading covering shipments loaded by the shipper and not checked by the carrier, not shown to be unreasonable or otherwise unlawful. Complaint dismissed.

Trap or ferry car service charges. (34 I. C. C., 516.)

4577. Proposed charges for trap or ferry car service in trunk line, central freight association, western trunk line, trans-Missouri, and southwestern territories, and Chicago, Ill., found not justified. Schedules naming the proposed charges required to be canceled.

Western trunk line rules. (34 I. C. C., 554.)

4578. Western trunk lines circular 1–K, I. C. C. No. A–513, containing special rules and regulations and exceptions to classifications, filed to become effective October 1, 1914, was suspended by the Commission until January 21, 1915, and further suspended until July 29, 1915.

4579. Rule providing in effect for a carload rating on miscellaneous freight in mail sacks, disapproved.

4580. Elimination of rules for mixtures of salt and different kinds of pitch and tar in carloads with cement, lime, stucco, and plaster, approved.

4581. Cancellation of rule providing for shipment of cigarette papers with smoking tobacco at the tobacco rating, approved.

4582. Cornstarch held to be an uncooked cereal food product and ordered continued in the list of uncooked grain or cereal food products manufactured from corn subject to corn rates.

4583. Class B rating on iron and steel pipe applied as a proportional basis, ordered continued.

4584. Cancellation of rule providing on plastering hair or fiber with carload shipments of lime or plaster 25 per cent above the carload rate on lime or plaster at actual weight, approved.

4585. Elimination of provision for fifth-class rating on straight or mixed carload shipments of stovepipe iron, stovepipe, stovepipe elbows, and coal hods, and for mixed carloads of the foregoing articles and sheet-iron dripping pans and stove elbows, authorized.

4586. Increase to 50,000 pounds of minimum carload weight on scrap iron into concentrating points, approved.

4587. Numerous other rules discussed and changes authorized for publication in a revised circular.

4588. Attention directed to views of the Commission in *Investigation and Suspension Docket 76*, respecting publicity of proposed changes and method of classification procedure.

4589. Where provisions are eliminated from one tariff in anticipation of publishing them in another the two tariffs should be amended simultaneously.

Chamber of Commerce of the City of Milwaukee v. *Chicago, Milwaukee & St. Paul Railway Co.* (34 I. C. C., 581.)

4590. Complainant alleges that the rates on grain and flaxseed from certain points in Iowa, Minnesota, and South Dakota to Milwaukee, Wis., are unreasonable and subject that place to undue prejudice and disadvantage, and compares these rates to the rates from the same points to Minneapolis, Minn. This comparison leaves out of consideration the rates on these commodities from the territory of origin to other points to which rates are made with relation to the rates to Minneapolis and to Milwaukee. In *Chicago-Duluth Grain Rates*, 27 I. C. C., 216, and in earlier reports, the Commission has heretofore passed upon the rates on grain and the relationships that should obtain between such rates to Minneapolis and to the ports on Lakes Superior and Michigan from the territory named, and nothing herein shown is persuasive that the rates to Milwaukee or their relationships to the rates to other places should now be disturbed. Complaint dismissed.

Pacific Creamery Co. v. *Southern Pacific Co.* (34 I. C. C., 586.)

4591. On a rehearing of these cases involving the reasonableness of the rates on fuel oil, refined oils, and engine distillate from producing points in California, Kansas, and Texas to all points in Arizona, former opinion, 29 I. C. C., 405, modified and; *Held*, That the present rates are unreasonable and reasonable rates fixed for the future. Reparation denied.

Second Industrial Railways Case. (34 I. C. C., 596.)

Trunk lines in official classification territory filed tariffs canceling joint rates with and allowances to all industrially owned lines; *Held:*

4592. That the principles of the *Industrial Railways case*, 29 I. C. C., 212, do not apply to certain of the lines with which joint arrangements have been canceled by the tariffs here involved.

4593. That some of the industrial lines here involved are distinguishable from those in the *Tap Line cases*, 234 U. S., 1, only in that the tap lines here are not located within a territory from which rates are made under a large blanket of originating points.

4594. That some of the industrial lines, while maintaining the form of common carriers, are in effect performing only private transportation.

4595. That some of the industrial lines, like the tap lines, should have joint rate arrangements with the trunk lines but that the basis of rates should be revised.

4596. That some of the industrial lines have taken on the form of common carriage by means of leases of facilities of the trunk lines and that such an arrangement in certain cases is a device to defeat the law.

4597. That some of the industrial lines are not common carriers in any sense and fall within the principles laid down in the *General Electric case*, 14 I. C. C., 237.

4598. Principles expressed and limitations defined under which arrangements may be made between the trunk lines and industrial lines for the interchange of transportation.

Car spotting charges. (34 I. C. C., 609.)

4599. Tariffs proposing a "spotting charge" for placing cars for loading or unloading at convenient points on the tracks of industries specifically named in the tariffs found not to be justified for the reason that the proposed charge would apply in many cases to services covered by the line-haul rate, and also for the further reason that to impose the additional charge upon the industries named in the proposed tariffs and not upon other industries for which like services are performed would result in unjust discrimination.

4600. The line-haul rate covers the customary movement of cars over industry tracks incident to the receipt and delivery of carload freight at convenient points on those tracks for loading or unloading without regard to the size or complexity of the industry, and the points at which the cars are to be placed by the carrier for that purpose without additional charge are to be determined by general usage.

4601. The line-haul rate covers only one placement of a car upon an industry track for loading or unloading, and an additional charge should be made for each additional placement of a car for that purpose, as also for the movement of cars from place to place within the plant during the processes of manufacture.

Reeves Coal Co. v. *Pere Marquette Railroad Co.* (34 I. C. C., 621.)

4602. A shipment of bituminous coal en route from La Follette, Tenn., to Vermilion, S. Dak., was ordered reconsigned to Ghent, Minn. Defendants failed to effect the reconsignment, and higher charges were collected than would have accrued if complainant's instructions had been followed. Reparation awarded.

Coal rates from Illinois mines to Omaha, Nebr., and other points. (34 I. C. C., 623.)

4603. Proposed increase, from $2.05 to $2.25 per net ton, in the rate on bituminous coal from points on the Southern Railway in the Belleville district in Illinois to Omaha, Nebr., and points grouped therewith, found to have been justified.

Rates on hogs between Salt Lake City, Utah, and California points. (34 I. C. C., 627.)

4604. Proposed increased rates for the transportation of hogs in carloads between points on respondent's line in Utah and points in California found to be justified and order of suspension vacated.

Ferd Brenner Lumber Co. v. *Morgan's Louisiana & Texas Railroad & Steamship Co.* (34 I. C. C., 630.)

4605. Rates charged for the interstate transportation of carload shipments of logs, milled in transit at Alexandria, La., found unreasonable and unlawful. Reparation awarded.

Peet Bros. Manufacturing Co. v. *Illinois Central Railroad Co.* (34 I. C. C., 634.)

4606. Import rate of 33 cents per 100 pounds for the transportation of cocoanut, copra, palm and palm-kernel oils in carloads from New Orleans, La., to Kansas City, Mo., not found to be unreasonable or unjustly discriminatory. Complaint dismissed.

Cleveland Salt Co. v. *Pennsylvania Co.* (34 I. C. C., 638.)

4607. Charges for the storage of a carload of salt at La Grange, Ga., not shown to have been unreasonable or unjustly discriminatory. Complaint dismissed.

4608. Carriers ordinarily do not impose storage charges for profit, but to prevent congestion of their terminals; storage charges of public warehouses do not therefore afford a fair test of the reasonableness of storage charges imposed by carriers.

Louisville Board of Trade v. *Indianapolis, Columbus & Southern Traction Co.* (34 I. C. C., 640.)

4609. Divisions established of joint rates maintained over the through route between Louisville, Ky., and Indianapolis, Ind., and also between Louisville and points intermediate.

Echols & Co. v. *Ahnapee & Western Railway Co.* (34 I. C. C., 644.)

4610. The proposed advance in rates on cheese from Wisconsin producing points to points in Arkansas not shown to be reasonable.

4611. The rates theretofore in effect between the points in question not found to be unreasonable and complaint is therefore dismissed.

Southern Pacific Co.'s ownership of stock in Sacramento Transportation Co. (34 I. C. C., 648.)

Upon application of the Southern Pacific Co. and the Central Pacific Railway Co., under the provisions of section 5 of the act to regulate commerce as amended by the Panama Canal act, for an extension of time beyond July 1, 1914, during which the operation of the Sacramento Transportation Co., in which petitioners own stock, may be continued, *Held:*

4612. That the Southern Pacific Co. does compete for traffic with the transportation company in its operation on the Sacramento River and connecting waters within the meaning of the act.

4613. That the operation of the boat line is in the interest of the public and of advantage to the convenience and commerce of the people; that its continued operation by the .transportation company, in which petitioner is interested through ownership of stock, will neither exclude, prevent, nor reduce competition on the route by water, and that a continuance of such operation should be permitted.

Rates on lumber from southern points to the Ohio River crossings and other points. (34 I. C. C., 652.)

4614. Proposed increased rates on yellow-pine lumber from the southwestern blanket to St. Louis, Mo., and East St. Louis, Thebes, and Cairo, Ill., not shown to be reasonable.

4615. The evidence of record does not show that the rates from Little Rock, Ark., and Pine Bluff, Ark., should be increased to the blanket basis.

4616. Proposed increased rates on hardwood lumber to St. Louis and Cairo from the territory embraced in the yellow-pine blanket not shown to be reasonable, but increase in the rates on hardwood to the level of the present rates on yellow pine justified.

4617. Proposed increased rates on lumber, all kinds, from the territory north of the Arkansas River to St. Louis, East St. Louis, Thebes, and Cairo not shown to be reasonable.

4618. Proposed increased rate on yellow pine from points on the Kansas City Southern Railway to St. Louis not justified.

4619. Proposed basing rate to Thebes and Cairo from certain stations on the Memphis branch of the Chicago, Rock Island & Pacific Railway shown to be reasonable. Increases in the rates to Memphis from certain stations on this line also justified.

4620. Proposed increased rates to Thebes and Cairo from certain stations on the Missouri & North Arkansas Railroad shown to be reasonable.

4621. Cancellation of local rate to Cairo from points on the Texas & Pacific Railway not justified.

4622. Proposed increased rates from stations on the Chicago, Rock Island & Pacific Railway to Louisville, Ky., and Cincinnati, Ohio, not shown to be reasonable.

4623. Proposed increased rates on lumber, all kinds, to New Orleans, La., from groups of stations in the southwestern territory not justified.

4624. Increases not exceeding 1 cent per 100 pounds in the rates on lumber justified from Mississippi Valley territory and southeastern territory to the north bank Ohio River crossings in those instances in which such increases are necessary to effect a spread of 1 cent between opposite crossings. Proposed rates to St. Louis also shown to be reasonable to the extent that they do not exceed by more than 1 cent the rates now in effect.

4625. Proposed increased rates to Ohio River crossings from points on the Texas & Pacific Railway, Vicksburg, Shreveport & Pacific Railway, and Southern Pacific system lines in Louisiana shown to be reasonable.

4626. The record shows that cottonwood and gum lumber are not entitled to lower rates than other hardwood lumber.

4627. Proposed increased rates from Cincinnati, Ohio, to western termini and points in trunk line territory not justified.

Northbound rates on hardwood from the southwest. (34 I. C. C., 708.)

4628. Upon reconsideration of the record in the light of the reargument based thereon and on the record in *Rates on Lumber from Southern Points*, 34 I. C. C., 652, *Held*, That our conclusions expressed in *Northbound Rates on Hardwood*, 32 I. C. C., 521, should not be changed.

Alton Box Board & Paper Co. v. *Illinois Terminal Railroad Co.* (35 I. C. C., 1.)

4629. Rates charged for the transportation of straw from points on the Missouri, Kansas & Texas Railway to Alton, Ill., not found unreasonable or unjustly discriminatory. Complaint dismissed.

In the matter of express rates, practices, accounts, and revenues. (35 I. C. C., 3.)

4630. Upon petition for a modification of our order in this case, *Held*, That the present revenues of the express companies are inadequate. Order modified to provide for additional revenues.

Lehigh Portland Cement Co. v. *Baltimore & Ohio Southwestern Railroad Co.* (35 I. C. C., 14.)

4631. Rates on cement in carloads from Mitchell, Ind., to Kentucky junction points found unreasonable and unjustly discriminatory as compared with rates from Superior, Ohio, and Fordwick, Va., and reasonable rates fixed for future, which defendants are required to publish as joint through rates.

Athens Glass Co. v. *Baltimore & Ohio Railroad Co.* (35 I. C. C., 22.)

4632. Carload and less-than-carload rates on glass tumblers; window glass; lamp shades, not cut; inkwells; inkstands, not cut; common glassware, n. o. s.; skylights; roofing and floor glass; polished wire glass exceeding 120 inches and polished wire glass not exceeding 120 inches, from Morgantown, W. Va., to Buffalo, N. Y.; Chicago, Ill.; Cincinnati, Cleveland, Columbus, and Youngstown, Ohio; Detroit, Mich.; Indianapolis, Ind.; Louisville, Ky.; Minneapolis and St. Paul, Minn.; Pittsburgh, Pa.; and St. Louis, Mo., considered; *Held*, That said rates, except those to Youngstown, Cleveland, and Buffalo, are unjustly discriminatory against Morgantown, W. Va., and defendants required to apply rates for the future that shall not exceed the rates contemporaneously in effect from the Clarksburg or Pittsburgh districts. To Youngstown, Buffalo, and Cleveland the present differentials existing between Morgantown and Pittsburgh and between Morgantown and Clarksburg in the different class rates ordinarily applicable to the respective glass articles herein concerned shall not be exceeded in making any readjustment hereunder of the rates to these points from Morgantown.

Rates on grain milled in transit at Lawrenceburg, Ind., and other points. (35 I. C. C., 27.)

4633. Proposed increased rates from East St. Louis, Ill., applicable via Louisville, Ky., and Cincinnati, Ohio, to points in southeastern or Carolina territories, on grain milled in transit at points between East St. Louis and Cincinnati, found not to have been justified.

Milwaukee Produce & Fruit Exchange v. *Chicago & North Western Railway Co.* (35 I. C. C., 33.)

4634. Track-storage charges maintained by defendants at Milwaukee, Wis., from August 1, 1913, to January 2, 1914, not shown to have been unreasonable or unjustly discriminatory. Complaint dismissed.

Southern commuation fares. (35 I. C. C., 36.)

4635. Cancellation of certain interstate commutation fares by the Illinois Central Railroad and the Yazoo & Mississippi Valley Railroad found to be justified.

Louisiana Central Lumber Co. v. *Chicago, Burlington & Quincy Railroad Co.* (35 I. C. C., 38.)

4636. Findings in original report herein, 19 I. C. C., 333, made definite and certain and decision awarding reparation on shipments of yellow-pine lumber from points in Louisiana, Texas, Arkansas, and Missouri to points in Kansas, Nebraska, Colorado, and Wyoming affirmed.

Columbia Gold Mining Co. v. *Oregon-Washington Railroad & Navigation Co.* (35 I. C. C., 42.)

4637. Cancellation by Oregon-Washington Railroad & Navigation Co. of a joint rate on ore and concentrates in carloads from Baker, Oreg., through Portland, Oreg., to Tacoma, Northern Pacific Railway from Portland, leaving applicable a combination rate based on Portland higher than the rate canceled and also higher than the rate applicable on the Oregon-Washington Railroad & Navigation Co.'s through line found to have been justified. Complaint dismissed.

Picher Lead Co. v. *St. Louis & San Francisco Railroad Co.* (35 I. C. C., 45.)

4638. Upon complaint alleging that the accrual of 615 days' debits in excess of credits, under an average demurrage agreement, during a certain period resulted from defendant's failure to construct a 60-foot extension to complainant's unloading track; *Held*, That the demurrage charges were properly assessed. Complaint dismissed.

Lighterage and storage regulations at New York. (35 I. C. C., 47.)

Rail carriers with lines entering New York from the west and from the north filed tariffs proposing to increase rates, or to reduce service performed under present rates, in connection with delivery and receipt of freight at the New York terminal; *Held*,

4639. Proposed reduction of period of free storage on New Jersey shore from 10 to 5 days justified as to domestic inbound freight for delivery at New York.

4640. Proposed increased charge of 1 cent per 100 pounds for each 10 days or fraction thereof for storage on New Jersey shore of freight for New York delivery after reduced free storage period justified.

4641. Proposed increased charges for handling and storing heavy iron and steel articles, cooperage stock, and sawed stone justified.

4642. Proposed charge of 3 cents per 100 pounds on less-than-carload lots of westbound freight lightered or floated with carload or more of lighterage free freight justified.

4643. Proposed increased charges for staking, wiring, or cleating shipments of lumber, telegraph poles, etc., justified.

4644. Proposed reduction of period of free storage on New Jersey shore from 10 to 5 days of domestic inbound freight destined for coastwise transshipment not justified.

4645. Proposed reduction of period of free storage at railroad pier stations of domestic inbound freight from 3 to 2 days not justified.

4647. Proposed reduction of period of free storage of export less-than-carload freight at railroad pier stations from 10 to 2 days not justified.

4648. Proposed charge for loading to or unloading from lighters at other than station piers or vessels of the carriers not justified.

4649. Proposed discontinuance of allowance to shippers or consignees for loading and unloading cars on floats not justified.

4650. Proposed minimum charge of $3 for each lot of westbound less-than-carload freight lightered or floated with carload or more of lighterage free freight not justified.

4651. Proposed increased charges for lightering heavy articles not justified.

4652. Proposed increase of minimum weight from 10,000 to 20,000 pounds for free lighterage of dressed poultry, butter, cheese, and eggs not justified.

4653. Proposed increased charges for towing freight to certain points outside of free lighterage limits not justified.

4654. As to proposed increased rates in support of which no testimony was offered the respondents have not sustained the burden of proof imposed upon them by law, and such increased rates are not justified.

4655. Where a terminal service has heretofore been treated by the carriers as a part of the transportation service covered by the freight rate and regularly performed by them they may not now segregate that service and assign to it a separate charge without taking into consideration, in order to justify such charge, the entire through service of which it forms a part and the compensation heretofore received for such through service.

4656. The tariffs under suspension, in addition to other defects, are ambiguous. They must be canceled. Recommended that opportunity be taken by respondents to review all regulations affecting terminal service at New York, whether involved in this proceeding or not, and that respondents cooperate in harmonizing and clarifying such regulations.

McCaull-Dinsmore Co. v. *Missouri Pacific Railway Co.* (35 I. C. C., 69.)

4657. Rates on corn and oats in carloads from points in Iowa to Leavenworth and Atchison, Kans., and Kansas City and St. Joseph, Mo., found to be unreasonable to the extent that they exceeded the aggregates of the intermediate rates contemporaneously in effect. Reparation awarded.

4658. Applications for relief from the provisions of the fourth section denied.

Ice rates to Long Branch and other stations in New Jersey. (35 I. C. C., 73.)

4659. Proposed increases in respondents' carload rates on ice from points in New Jersey and eastern Pennsylvania on the Delaware, Lackawanna & Western Railroad to points in New Jersey on the New York & Long Branch Railroad found not justified. Schedules under suspension required to be canceled.

4660. Defendants' carload rates on ice from Tobyhanna, Pa., to various points on the Seashore branch of the Central Railroad of New Jersey found to be unreasonable to the extent that they exceed $1.32 per ton in box cars and $1.48 in ice cars. Reparation denied.

4661. Fourth section application denied to the extent that it seeks authority to continue rates on ice from points on the Delaware, Lackawanna & Western Railroad in New Jersey and eastern Pennsylvania to Long Branch, N. J., and points south thereof on the New York & Long Branch Railroad, lower than the rates concurrently in effect to intermediate points.

Nitro Powder Co. v. *West Shore Railroad Co.* (35 I. C. C., 77.)

4662. Rates on high explosives from Kingston and Port Ewen, N. Y., to Boston, Mass., and to other New England points, found to be unreasonable. Through routes and joint rates prescribed for the future. Reparation awarded.

Ludowici-Celadon Co. v. *Florida East Coast Railway Co.* (35 I. C. C., 81.)

4663. It is not unlawful for carriers uninformed as to contract relations between consignor and consignee to make refund of overcharge in the ordinary course of business to consignee named in the bill of lading. Complaint of consignor dismissed.

Drain tile from Illinois points. (35 I. C. C., 83.)

4664. Cancellation of commodity rates on drain tile in carloads from St. Anne, Woodland, Kankakee, and Beaverville, Ill., to stations in Wisconsin and Minnesota found not to be justified.

Nebraska Bridge Supply & Lumber Co. v. *Nashville, Chattanooga & St. Louis Railway.* (35 I. C. C., 86.)

4665. Rates charged for the transportation of low-grade cedar logs in carloads from Burrows Switch, Guntersville, Stevenson, Huntsville, Bridgeport, and Mon-

tague, Ala., and Belvidere and Jasper, Tenn., to Atlanta, Ga., found to be unreasonable to the extent that they exceed rates contemporaneously applicable to the transportation of common logs in carloads from and to the same points. Rates for the future prescribed accordingly.

Nebraska Bridge Supply & Lumber Co. v. *Alabama Great Southern Railroad Co.* (35 I. C. C., 90.)

4666. Rates for the transportation of low-grade cedar logs in carloads from Wauhatchie, Tenn., New England, Sulphur Springs, and Rising Fawn, Ga., and Keener, Portersville, Collinsville, and Argo, Ala., to Atlanta, Ga., found to be unreasonable to the extent that they exceed the rates contemporaneously applicable to the transportation of common logs in carloads from and to the same points. Rates on this basis prescribed for the future.

4667. Reparation awarded on shipments on which joint rates in excess of the aggregate of intermediate rates were charged.

Oklahoma Cottonseed Crushers Asso. v. *Missouri, Kansas & Texas Railway Co.* (35 I. C. C., 94.)

4668. Present rates on cottonseed oil from producing points in Oklahoma to Kansas City, Mo., and on cottonseed cake, meal, and hulls from the same producing points to points in Kansas, Missouri, Colorado, Nebraska, and Iowa, found to be unreasonable and unjustly discriminatory. Reasonable maximum rates for the future prescribed.

Cape Girardeau Portland Cement Co. v. *St. Louis & San Francisco Railroad Co.* (35 I. C. C., 109.)

4669. Rates on cement in carloads from Cape Girardeau, Mo., to points in southern Arkansas, which are not at least 3 cents per 100 pounds lower than the rates contemporaneously applicable from St. Louis, Mo., to the same points, found unjustly discriminatory.

4670. Rates on cement in carloads from Cape Girardeau, Mo., to points in Louisiana west of the Mississippi River, to points in Mississippi, except points on the Mississippi River, and to points in Kentucky and Tennessee west of the Tennessee River, except Paducah, Ky., and Memphis, Tenn., which are not at least 2 cents per 100 pounds lower than the rates from St. Louis, Mo., to the same points, found unjustly discriminatory.

4671. Combination rates on cement in carloads from Cape Girardeau, Mo., to points in southern Illinois found unreasonable and unjustly discriminatory in favor of competing points in Missouri, Illinois, and Indiana. Reasonable maximum joint rates prescribed for the future.

Ogden Gateway Case. (35 I. C. C., 131.)

4672. The Commission has no power to prevent the cancellation of through routes and joint rates voluntarily established by the carriers when the circumstances and conditions are such as would not warrant an order by the Commission to compel such arrangements if not already in effect.

4673. The proposed cancellation by the Union Pacific of through routes and joint fares in connection with the Denver & Rio Grande through the Ogden gateway as described in the report found to be justified. Suggestions made, however, as to the continuance of through accommodations for the benefit of travelers desiring to pass over that route at the lawful fares available.

Yellow Pine Sash, Door & Blind Manufacturers Asso. v. *Southern Railway Co.* (35 I. C. C., 150.)

Upon complaint that defendants' carload rates on wooden building material from and to points in southern classification territory are unreasonable and unjustly discriminatory because they bear no fixed relationship to the corresponding rates on lumber; and that defendants' rule, applicable to certain parts of the southeast, providing that the rates on building material will not apply to mixed carloads containing sash, doors, or blinds unless other building materials constitute 25 per cent of the total weight of the car is arbitrary, unreasonable, and unjustly discriminatory; *Held:*

4674. The rates on wooden building material should bear uniform relationships to the rates on lumber, but the facts of record do not warrant the establishment of fixed differentials.

4675. The Commission has instituted a general investigation as to the relationships between rates on lumber and manufactured products thereof. That proceeding will afford opportunity to present fully the matters here brought in

issue and submitted upon an imperfect and unsatisfactory record. The complaint will be dismissed without prejudice to any finding that may be reached in the investigation referred to, or to complainants' right to present in that proceeding such evidence as they desire to present.

Rules and regulations governing the checking of baggage on combination of tickets. (35 I. C. C., 157.)

4676. Proposed rules prohibiting the through checking of baggage and sale of through parlor or sleeping car tickets on combination tickets found not justified.

Chattanooga log rates. (35 I. C. C., 163.)

4677. Upon rehearing; *Held*, That rates and carload minimum weight for certain distances prescribed in the original report, 30 I. C. C., 36, should be modified.

Van Dusen Harrington Co. v. *Chicago, Milwaukee & St. Paul Railway Co.* (35 I. C. C., 172.)

4678. Charges assessed for the transportation of corn from various points in Iowa and Nebraska to Minneapolis, Minn., and reshipped thence to various points in California at combination of rates to and from Minneapolis found to have been unlawful to the extent they exceeded charges based on the joint through rate. Reparation awarded.

National Asso. of Tanners v. *Lehigh Valley Railroad Co.* (35 I. C. C., 175.)

4679. Rates on mangrove bark, myrobalans, and valonia from ports on the Atlantic seaboard to destinations in trunk line and central freight association territories found to be unreasonable to the extent that they exceeded sixth-class rates. Reparation denied.

Lumber rates from Wilson, Ark., and other points to Cincinnati, Ohio, and other points. (35 I. C. C., 179.)

4680. Proposed withdrawal of through rates on lumber from points of origin in Arkansas to Louisville, Ky., Cincinnati, Ohio, and Evansville, Ind., found justified. Suspension orders vacated.

Des Moines Saw Mill Co. v. *Minneapolis & St. Louis Railroad Co.* (35 I. C. C., 182.)

Through rates on walnut lumber from Des Moines, Iowa, to points east of the Illinois-Indiana state line composed of proportional rates to and from the Mississippi River, and joint rates on walnut logs from Des Moines, when from beyond, to Norfolk and Newport News, Va., for export, considered; *Held:*

4681. That, following the *Interior Iowa Cities cases*, 29 I. C. C., 537, a reasonable proportional rate on walnut lumber from Des Moines to the Mississippi River for the future will be 11½ cents per 100 pounds.

4682. That pieces of walnut, as described herein, probably are ratable as walnut dimension lumber, pieces.

4683. That from Des Moines to Norfolk and Newport News over the lines of the Wabash Railroad and its connections and the Chicago, Burlington & Quincy Railroad and its connections the joint rates on walnut logs for export should not exceed the rate on the same commodity from Kansas City to Norfolk and Newport News by more than 2 cents per 100 pounds.

Coal and coke rates in the southeast. (35 I. C. C., 187.)

4684. Proposed increased rates on coal to New Orleans, La., Memphis, Tenn., Greenville, Natchez, and Gulfport, Miss., Baton Rouge, La., and certain other points in Mississippi and Louisiana justified.

4685. Proposed increased rates on coal to Jackson, Vicksburg, Newton, and certain other points in Mississippi and Tennessee not justified. Increased rates to Vicksburg from Illinois and Kentucky justified.

4686. Certain increases as shown herein to Meridian and other Mississippi points, and to Jackson, Milan, and other points in Tennessee, justified.

4687. Increased rates on coke to Mississippi Valley points justified.

Lebanon Commercial Club v. *Louisville & Nashville Railroad Co.* (35 I. C. C., 204.)

4688. Rates from Lebanon, Ky., to Louisville, Ky., applicable on interstate traffic, found to be unreasonable, and reasonable maximum rates for the future prescribed, which are also found to be reasonable from Louisville to Lebanon.

4689. Rates between Springfield, Ky., and Louisville, applicable on interstate traffic, found unjustly discriminatory in so far as they exceed the rates prescribed between Lebanon and Louisville.

4690. Rates between Lebanon and Springfield and Cincinnati, Ohio, found unreasonable in so far as they exceed the combinations on Louisville.

4691. The maintenance of rates between Cincinnati and Junction City, Ky., lower than the rates between Lebanon and Springfield and Cincinnati not found to be unjustly discriminatory against Lebanon or Springfield.

4692. Reparation denied.

Imperial Valley Oil & Cotton Co. v. *Southern Pacific Co.* (35 I. C. C., 215.)

4693. Rates charged by defendants for the transportation of cottonseed meal and cake in carloads from El Centro, Cal., to Galveston, Tex., for export, and to El Paso, Tex., found to have been unreasonable. Rates established by defendants for the transportation of cottonseed meal and cake in carloads from Calexico, Cal., to Galveston, Tex., for export, found unreasonable. Reasonable rates prescribed for the future and reparation awarded.

In the matter of rates, practices, rules, and regulations governing the transportation of anthracite coal. (35 I. C. C., 220.)

Pursuant to an order of June 10, 1912, a general investigation was made of the rates, practices, rules, and regulations governing the transportation of anthracite coal from the Wyoming, Lehigh, and Schuylkill regions in the State of Pennsylvania to tidewater ports and interior points on the lines of the initial anthracite carriers; *Held:*

4694. That the rates on anthracite coal, prepared and pea and smaller sizes, in carloads, applicable from producing districts in the Wyoming, Lehigh, and Schuylkill regions in the State of Pennsylvania to tidewater ports and certain eastern interior points are unreasonable, and the rates on anthracite coal, prepared and pea sizes, from said districts to other interior points are unreasonable, and reasonable rates fixed for the future.

4695. That the respondents by means of trackage arrangements and the free transportation to junction points in the mining regions of coal exchanged by their allied coal companies, have extended the advantages of interline transportation to their coal companies to the prejudice of other coal shippers to whom interline transportation at joint rates has been denied. Respondents required to establish through routes and publish joint through rates applicable thereto.

4696. That anthracite coal is a low-grade commodity which is transported in vast quantities in trains of maximum tonnage. The tonnage loaded in each car is much greater than the loading of most other classes of traffic. Most of the anthracite tonnage is shipped from collieries whose daily production, measured in carloads, is very large. These conditions tend toward lower operating costs.

4697. That concessions and offsets granted by respondents to their allied coal companies in the form of interest charges, royalty earnings, the use of valuable property at inadequate rentals, the free use of the carriers' funds and credit, or by other means are as pernicious as direct cash rebates. Such concessions and offsets are unlawful.

4698. That lateral allowances paid to a coal shipper in accordance with an agreement, alleged to be additional compensation for the use of a facility furnished by the shipper, are unlawful rebates.

Coal rates from Oak Hills, Colo. (35 I. C. C., 456.)

4699. This proceeding is supplementary to that reported in 30 I. C. C., 505. The carriers having published the joint rates therein fixed by the Commission failed to agree upon the divisions thereof. The initial line thereupon petitioned the Commission to make an order prescribing the just and reasonable divisions of such joint rates to be received by each carrier party thereto. Divisions prescribed.

Sloss-Sheffield Steel & Iron Co. v. *Louisville & Nashville Railroad Co.* (35 I. C. C., 460.)

On the evidence of record, following the principle of our original report in this case, 30 I. C. C., 597; *Held:*

4700. The rates on pig iron in carloads from points in Alabama and Tennessee to points reached by defendants' lines in central freight association territory, to which pig-iron rates were not reduced on October 1, 1914, are unreasonable. Reasonable rates prescribed for the future.

4701. Divisions of such rates between the carriers operating north and those operating south of the Ohio River prescribed.

Withdrawal of regulations covering concentration and storage of dairy products. (35 I. C. C., 469.)

4702. Proposed cancellation of rules providing for readjustment of aggregate charges on shipments of dairy products concentrated in transit in western territory justified, and orders of suspension vacated.

4703. Proposed cancellation of rules as to storage in transit not justified.

Port Huron & Duluth Steamship Co. v. *Pennsylvania Railroad Co.* (35 I. C. C., 475.)

4704. Through routes and joint rates between points in trunk line territory and Duluth, Minn., and points west thereof, ordered to be established on the lines of defendants in connection with complainant's water line.

W. S. Duncan & Co. v. *Nashville, Chattanooga & St. Louis Railway.* (35 I. C. C., 477.)

4705. On December 7, 1914, the Supreme Court of the United States announced its decision reversing the order of the Commerce Court, which order set aside and annulled the order of the Commission in this case, entered on June 9, 1911, requiring the removal of unjust discrimination resulting from the granting to Nashville, Tenn., and the denial to Atlanta and nine other complaining cities in Georgia of the privilege of rebilling or reshipping grain, grain products, and hay transported from the Ohio and Mississippi River crossings or beyond and destined to points in the southeast, at the through rate from origin to final destination. Upon consideration of the facts of record in the original hearings and in the recent hearings upon rule to show cause and upon the applications of the defendant carriers under section 4 of the act to regulate commerce; *Held*, That the granting of the said privilege to Nashville and the denial of it to Atlanta and the other complaining cities results in a violation of section 3, and that no showing has been made, under either section 3 or section 4, why the Commission should not enter an order in substantial conformity with the order of June 9, 1911. Order entered.

The Tap Line Case. (35 I. C. C., 485.)

4706. Modification of orders in the *Tap Line case* in favor of the petitioner beyond rates sanctioned by the Commission's order of July 29, 1914, not found justified. Increase of divisions and of reparation denied.

Federal Sugar Refining Co. v. *Central Railroad Co. of New Jersey.* (35 I. C. C., 488.)

4707. Through route and maximum joint rates applicable thereto established for the transportation of sugar from Yonkers, N. Y., to all points on the line of the Central Railroad Co. of New Jersey.

Seymour v. *Morgan's Louisiana & Texas Railroad & Steamship Co.* (35 I. C. C., 492.)

4708. Following *U. S.* v. *P. & R. Ry. Co.*, 188 Fed., 484; *Held*, That the transportation of sugar from Germany, through the United States in bond, to destinations in Mexico, is not subject to the jurisdiction of the Commission.

Switching charges at Alexandria, Ind. (35 I. C. C., 494.)

4709. Increases proposed in the respondent's switching charge to the Alexandria Paper Co. at Alexandria, Ind., found not justified. Schedules under suspension ordered canceled, but with permission to respondent to publish a flat charge not in excess of $4 per car in lieu of the charge proposed.

1915 Western Rate Advance Case. (35 I. C. C., 497.)

Showing of operating results and financial condition of respondents considered, and upon the whole record, *Held:*

4710. Proposed increased carload rates on grain and grain products considered as one commodity not justified.

4711. Proposed increase from 30,000 pounds to 40,000 pounds in the minimum carload weight of grain products justified.

4712. Proposed increased carload rates on live stock not justified.

4713. Proposed increased carload rates on packing-house products and fresh meats, except as indicated between points on the Missouri River, not justified.

4714. Proposed increased carload rates on fertilizer and fertilizer materials not justified.

4715. Proposed increased rates on bituminous coal, except as to South Dakota points, justified. The rates on coke here proposed, which are the same as on coal, justified.

4716. Proposed increased carload rates on brewers' rice and less-than-carload rates on domestic rice justified.

4717. Proposed increased carload rates on broom corn not justified.

4718. Proposed increased import rates and proposed increases in carload minima from Gulf ports justified.

4719. Proposed increased carload rates on fruits and vegetables justified.

4720. Proposed increased carload rates on hay and straw, where not in excess of Class C, justified.

4721. Proposed increased any-quantity rates on cotton piece goods, and proposed increased carload rates from points in Texas, not justified.

Live-stock rates from points in Colorado, South Dakota, and other states to Omaha, Nebr., and other points. (35 I. C. C., 682.)

4722. Proposed increased rates for the transportation of cattle and sheep in carloads from points in Colorado, South Dakota, and other states to points on the Missouri and Mississippi Rivers and to Chicago, Ill., found not to be justified.

Steamer lines on the Chesapeake Bay and rivers tributary thereto. (35 I. C. C., 692.)

Upon applications of the Pennsylvania Railroad Co. and certain of its subsidiary companies, and of the Baltimore, Chesapeake & Atlantic Railway Co. and the Maryland, Delaware & Virginia Railway Co., under section 5 of the act to regulate commerce as amended by the Panama Canal act, for authority to continue the operation of steamers on the Chesapeake Bay and rivers tributary thereto; and it appearing that the Maryland, Delaware & Virginia Railway Company, which directly owns and operates some of the steamer lines involved, is controlled through stock ownership by the Baltimore, Chesapeake & Atlantic Railway Co., which directly owns and operates the other steamer lines involved, and that the latter company is likewise controlled through stock ownership by the Pennsylvania Railroad Co. and its subsidiary companies; *Held:*

4723. That substantial competition does or may exist on the eastern but not the western shore of the Chesapeake Bay between the rail lines of the petitioners and the steamer lines the subject of the applications.

4724. That the steamer lines operating between Baltimore, Md., and Claiborne and Love Point, Md., respectively, are necessary extensions of the rail lines of their directly owning carriers.

4725. That it is not shown that the present operation by the petitioners of the steamer lines between Baltimore and the eastern shore, other than those last above named, is in the interest of the public and of advantage to the commerce and convenience of the people, and that the continuance of such ownership and operation will neither exclude, prevent, nor reduce competition on the routes by water.

Anthracite coal rates to Chicago, Ill., and other points. (35 I. C. C., 702.)

4726. Following *Rates for Transportation of Anthracite Coal*, 35 I. C. C., 220, the proposed increase of 25 cents per gross ton on anthracite coal, "prepared sizes," from Pennsylvania mines to Chicago, Ill.; to points taking Chicago rates; to connecting points between eastern and western lines near Chicago, such as Joliet and Kankakee; and to the other connecting points, Peoria, East St. Louis, and St. Louis, justified.

In the matter of rates, divisions, rules, regulations, and practices governing the transportation of railroad fuel and other coal. (36 I. C. C., 1.)

4727. The character of a shipment and not formal incidents, such as billing, determines the rate and divisions applicable. The rates and divisions to points of actual destination must be applied to railway fuel coal shipments here involved, and the application of rates and divisions to fictitious billed destinations is unlawful and can not be justified by the theory that such rates and divisions would be proper rates and divisions to the average point of actual destination.

4728. A railroad company as shipper is entitled to the same consideration as any commercial shipper and no more, even when the shipment moves in part over the rails of such railroad company. It follows that in such case the carrier is entitled to a division of the joint through rate. But the division

must be fixed by the same considerations which would determine divisions upon a through commercial shipment in which the railroad had no interest other than that of carrier. The divisions now received out of the joint rate on supply coal by the Seaboard Air Line, the Atlantic Coast Line, and the Charleston & Western Carolina Railway Co. for the hauls from their junctions are special and abnormal divisions.

4729. The Commission may fix divisions when a railroad company is the shipper or is owned by the shipper so that the division of a through rate might be the means of indirectly reducing transportation charges or effecting discriminations. Divisions here involved will not be fixed by order at this time, but carriers will be expected to adjust them to meet views herein expressed.

4730. The Commission may order that such divisions be filed with it and it is so ordered as to the divisions applicable to fuel coal shipments herein involved.

Scattergood & Co. v. *Erie & Western Transportation Co.* (36 I. C. C., 15.)

4731. Reconsignment charge assessed at Renovo, Pa., on a carload of bran originating at Minneapolis, Minn., found to have been lawfully applied. Complaint dismissed.

Eisle v. *Atchison, Topeka & Santa Fe Railway Co.* (36 I. C. C., 17.)

Complaints attack rates to Phoenix, Ariz., from various points of origin on different kinds of groceries, hardware, and other commodities; *Held:*

4732. That certain of defendants' rates on potatoes and onions are unreasonable.

4733. That the complaint against the other rates under attack has not been sustained.

4734. That reparation will be denied.

Henderson Commercial Club v. *Illinois Central Railroad Co.* (36 I. C. C., 20.)

4735. Present adjustment of rates at the Evansville-Henderson river crossing found unjustly discriminatory. Defendants required to remove the discrimination.

4736. Carriers required to provide for the rehandling of grain at Henderson, Ky., under the through rates from points in Illinois to Virginia cities, upon the same terms as at Louisville.

Straw rates from St. Louis, Mo., and other points to Anderson, Ind., and other points. (36 I. C. C., 30.)

4737. Proposed increases in respondents' commodity rates on baled straw in carloads from and to points in central freight association territory found not justified and suspended schedules required to be canceled. Rates not in excess of those found reasonable in this report permitted to be established.

4738. Change from a per car to a per 100 pounds basis proposed found justified.

Rock Spring Distilling Co. v. *Louisville, Henderson & St. Louis Railway Co.* (36 I. C. C., 35.)

4739. Rates on cattle in carloads from Owensboro, Ky., to Chicago, Ill., and New York, N. Y., and points taking New York rates not found unreasonable or unjustly discriminatory. Complaint dismissed.

In re financial transactions, history, and operation of the Chicago, Rock Island & Pacific Railway Co. (36 I. C. C., 43.)

4740. The facts and circumstances concerning the financial transactions, history, and operation of the Chicago, Rock Island & Pacific Railway Co. are submitted in the following report.

Rates and rules on shipments of packing-house products, fresh meats, and other articles transported in peddler cars in southwestern territory. (36 I. C. C., 62.)

4741. Proposed changes in the rules governing shipments of packing-house products, fresh meats, and other articles transported in peddler cars in southwestern territory, and cancellation of the mileage rates as prescribed in *Corporation Commission of Oklahoma* v. *A., T. & S. F. Ry. C.*, 23 I. C. C., 656, found not to have been justified.

Jewelers' Protective Union v. *Pennsylvania Railroad Co.* (36 I. C. C., 71.)

4742. Defendants' present regulation defining sample baggage held unreasonable. Reasonable regulation prescribed for the future.

Plymouth Coal Co. v. *Delaware, Lackawanna & Western Railroad Co.* (36 I. C. C., 76.)

4743. Defendant's demurrage regulations governing anthracite coal awaiting transshipment at or near tidewater at Hoboken, N. J., found reasonable.

Iowa State Board of Railroad Commissioners v. *Atchison, Topeka & Santa Fe Railway Co.* (36 I. C. C., 79.)

4744. The Cummins amendment has in effect abolished in interstate commerce the whole system of released rates based on agreed valuations as distinguished from actual value.

4745. Applying to the present record the principles enunciated in *The Cummins Amendment*, 33 I. C. C., 682, *Held:* (*a*) That, taking each class of animals by itself and making due allowance for the minimum, maximum, and average values of each as shown by this record, the scheduled valuations carried by these defendants in their live-stock shipping contracts are unjustly and unreasonably low and not representative of the average actual values of the animals shipped thereunder; (*b*) that defendants' rates for the transportation of certain specified animals the actual values of which do not exceed the amounts set forth in the report are, and will be for the future, unreasonable to the extent that such rates exceed the present rates based upon the present scheduled valuations; (*c*) that defendants' excess rates for excess valuations are unjustly and unreasonably high; and (*d*) that reasonable rates for the transportation of any animal of actual value exceeding the amount specified in the report will exceed said present rates by not more than 2 per cent of said present rates for each 50 per cent or fraction thereof of actual value over and above that named in the report.

The Iron and Steel Cases. (36 I. C. C., 86.)

4746. Proposed readjustment of the rates on iron and steel articles moving from Mississippi River points, Missouri River points, Chicago and territory intermediate to Chicago and the Missouri River, on the one hand, to Utah and Colorado points and to points in Kansas, on the other, found justified except as to the rates on certain iron and steel articles to Colorado points.

4747. Existing rates on iron and steel articles from Pittsburgh and St. Louis to Hutchinson, Wichita, and Topeka, Kans., not shown to be unreasonable or unjustly discriminatory.

4748. Proposed readjustment of rates on iron and steel articles from St. Louis and from Pittsburgh and other points in central freight association territory to points in Oklahoma and to Fort Smith, Ark., found justified.

Midcontinent oil rates. (36 I. C. C., 109.)

4749. Reasonable rates fixed on petroleum oil and its products from the midcontinent oil field, in Kansas and Oklahoma, to Kansas City, St. Louis, Chicago, and various other points.

4750. All points in the midcontinent field grouped with respect to rates to the Mississippi River and points beyond, including St. Paul territory, Winnipeg, Salt Lake City, and Denver.

4751. Reasonable maximum rates prescribed on low-grade products from midcontinent points to St. Louis and Chicago.

Stopping of cars in transit to complete loading or partially unload. (36 I. C. C., 130.)

4752. Proposed withdrawal of the practice of stopping cars in transit to be partially loaded or partially unloaded, not justified.

Rates on lumber from southern points to the Ohio River crossings and other points. (36 I. C. C., 137.)

4753. Original report modified for the purpose of aligning the rates of the Louisville & Nashville Railroad to St. Louis from stations on its line south of Decatur, Ala., with the rates of the other lines serving the same general territory; also to permit the rates from Helena, Ark., to Cairo, Ill., and St. Louis, Mo., to be increased to the Memphis basis. Other modifications requested, but denied.

Plymouth Coal Co. v. *Lehigh Valley Railroad Co.* (36 I. C. C., 140.)

4754. Defendent has justified its refusal to continue to furnish storage bins at Perth Amboy, N. J., for the free storage of anthracite coal.

4755. Defendant's demurrage regulations governing anthracite coal awaiting transshipment at tidewater at Perth Amboy found reasonable.

Plymouth Coal Co. v. *Lehigh Valley Railroad Co.* (36 I. C. C., 143.)

4756. Reparation awarded on account of unreasonable rates charged for the transportation of anthracite coal from Luzerne, Pa., to Perth Amboy, N. J., for transshipment.

East Jersey Railroad & Terminal Co. v. *Central Railroad Co. of New Jersey.* (36 I. C. C., 146.)

Upon complaints alleging that certain carriers whose lines extend in various directions from New York Harbor, or form parts of through routes leading therefrom, which prior to April, 1914, participated with the East Jersey Railroad & Terminal Co. in the publication of joint rates between various points and New York, N. Y., including points in New York Harbor within the established lighterage limits, had withdrawn from such joint rates with the terminal company, thereby leaving in effect rates for through shipments over the route of the terminal company that were "unjust and unfair, unduly burdensome, discriminatory, and unlawful," *Held:*

4757. That a prima facie case has been made of unjust discrimination against the terminal company and shippers on its line.

4758. That defendants have failed to sustain the burden of proof imposed upon them by law to show that the resulting increased rates are just and reasonable.

4759. That reparation be awarded to complainant in No. 6900 (Sub-No. 1).

INDEX TO POINTS DECIDED IN REPORTED CASES.

[The numbers refer to the corresponding headnotes. For example: The number 4063, found under the head of Commodity rates in this index, refers to the paragraph of that number in the foregoing statement of Points Decided by the Commission. The numbers run consecutively from Points Decided in last Annual Report.]

TABLE OF REPORTED CASES DECIDED.

[On the page indicated will be found the points decided in each case.]

APPENDIX E.

DIGEST OF FEDERAL COURT DECISIONS.

DIGEST OF FEDERAL COURT DECISIONS.

A discussion of court decisions, involving injunctions to restrain enforcement of orders of the Commission and of decisions relative to criminal violations of the law, can be found in the text of this annual report. The decisions abstracted herein involve questions of railway regulation which are closely related to matters arising before commissions.

1. In the Supreme Court.

OKLAHOMA SEPARATE COACH LAW.

In *McCabe* v. *A., T. & S. F. Ry. Co.*, 235 U. S., 151, decided November 30, 1914, it was held that a State may, without infringing the fourteenth amendment, require separate but equal accommodations for the white and negro races; but that so much of the Oklahoma separate coach law as permits carriers to provide sleeping cars, dining cars, and chair cars exclusively for white persons and to provide no similar accommodations for negroes violates the Federal Constitution.

JUDICIAL FUNCTIONS AS TO RATES.

In *Detroit & Mackinac Ry. Co.* v. *Michigan R. R. Commission*, 235 U. S., 402, decided December 14, 1914, the distinction between the judicial function of declaring a rate unreasonable and the legislative one of establishing a rate as reasonable was again discussed, and the judgment of the Michigan courts dismissing a carrier's suit to restrain State-made rates as confiscatory was affirmed.

POSTING OF TARIFFS.

In *Berwind-White Coal Mining Co.* v. *C. & E. R. R. Co.*, 235 U. S., 371, decided December 14, 1914, it was held that a carrier's demurrage tariff was sufficiently published and filed where the carrier filed with this Commission a book of rules of a car-service association of which it was a member relating to liability for demurrage and wrote the Commission that the demurrage charge would be $1 per day; and that posting for public inspection is not essential to make effective the carrier's tariffs with the Commission.

REPARATION UNDER STATE STATUTE.

In *L. & N. R. R. Co.* v. *Finn*, 235 U. S., 601, decided January 5, 1915, it was held that a carrier can not object on constitutional grounds to the procedure under the Kentucky statute for the recovery of reparation where there is nothing to show that such carrier has or could have any defense to the payment of reparation that it has not already interposed or waived in the proceeding before the Commission.

INTERURBAN RAILWAYS.

In *South Covington & C. S. Ry. Co.* v. *Covington*, 235 U. S., 537, decided January 5, 1915, it was held that the traffic carried on by a Kentucky street railway corporation in connection with an Ohio corporation in transporting passengers upon continuous and connecting tracks and across an interstate bridge between points in Covington, Ky., and Cincinnati, Ohio, by means of continuous trips and a single fare, and under practically the same management, is interstate commerce.

EXCESSIVE PENALTIES.

In *Wadley Southern Ry. Co.* v. *Georgia*, 235 U. S., 651, decided January 11, 1915, it was held that authorizing the imposition upon a railway company of a penalty of $5,000 per day for violating a lawful administrative order of the

State railroad commission does not deny the company the equal protection of the laws or due process of law where the carrier has the right to a judicial review of the validity of such order by a suit against the commission.

INTERSTATE SWITCHING.

In *Illinois C. R. R. Co.* v. *De Fuentes*, 236 U. S., 157, decided February 1, 1915, it was held that an order of a State railroad commission requiring a carrier to switch empty cars from any connection with a competing interstate railway to a designated sidetrack for the purpose of being loaded with interstate freight, and when so loaded to move the same back to competitor's line, was an unlawful regulation of interstate commerce.

WATER TRANSPORTATION.

In *Wilmington Transp. Co.* v. *R. R. Com. of Cal.*, 236 U. S., 151, decided February 1, 1915, it was held that the absence of Federal regulation of rates for water transportation, unconnected with transportation by railroad, leaves a State free to prescribe reasonable rates for the transportation of passengers and goods wholly by water between two ports in the same State over a course which traverses the high seas.

REPARATION FOR UNREASONABLE RATES.

In *Meeker* v. *L. V. R. R. Co.*, 236 U. S., 412, decided February 23, 1915, it was held that the damages awarded to a shipper by this Commission as reparation for unjust discrimination and unreasonable rates may be measured respectively by the rebate to a favored competitor and by the charge in excess of what would have been a reasonable rate, if the evidence shows that such amounts represent the claimant's actual pecuniary loss. For similar cases involving action in the courts upon reparation claims before the Commission, see *Mills* v. *L. V. R. R. Co.*, 238 U. S., 473, decided June 21, 1915, and *Pa. R. R. Co.* v. *Clark Bros. Coal Mining Co.*, 238 U. S., 456, decided June 21, 1915

ATTORNEY'S FEES IN REPARATION CASES.

In the *Meeker case, supra*, it was further held that the services for which an attorney's fee is to be taxed in case of plaintiff's final success in an action for reparation before the Commission must be deemed to be those incident to the action in the court and not to those before the Commission. See also *Mills* v. *L. V. R. R. Co.*, 238 U. S., 473, decided June 21, 1915.

CARMACK AMENDMENT.

In *Pierce Co.* v. *Wells Fargo & Co.*, 236 U. S., 278, decided February 23, 1915, it was held that gross disproportion between the value of an interstate express shipment and the arbitrary value fixed in the express company's receipt does not prevent the application of the rule that the carrier may, under the Carmack Amendment, limit its liability to an agreed value made to secure the lower of two or more published rates based upon value.

In *C. & W. C. Ry. Co.* v. *Varnville Furniture Co.*, 237 U. S., 597, it was held that the South Carolina statute penalizing failure to pay promptly damage claims by a carrier on interstate shipments was invalidated by the Carmack amendment.

INTERCHANGE OF PASSES.

In *United States* v. *Erie R. R. Co.*, 235 U. S., 259, decided February 23, 1915, it was held that a carrier subject to the act has the right to issue passes to the officers, agents, and employees of carriers not subject to the act, such as trans-Atlantic steamship companies and foreign railway companies.

"RAILROADS" AND "STREET RAILWAYS."

In *Michigan Central R. R. Co.* v. *Michigan R. R. Commission*, 236 U. S., 615, decided March 8, 1915, it was held that whether distinctions had previously been recognized under the Michigan laws between "railroads" and "street rail-

ways," whether these distinctions were preserved or disregarded by certain Michigan statutes of 1907 and 1909, and whether the provisions of these acts, relating to the interchange of traffic, were intended to apply to both kinds of roads or to "railroads" only, are questions which the Federal Supreme Court may not consider on writ of error to the highest court of the State, but are conclusively foreclosed by the decisions of the State court.

COST OF TRANSPORTATION.

In *N. P. Ry. Co.* v. *North Dakota*, 236 U. S., 585, decided March 8, 1915, it was held that the cost of the transportation of a particular commodity which must be considered when determining whether the maximum intrastate rates fixed by the state for the carriage of such commodity are adequate or confiscatory includes all the outlays which pertain to such transportation, there being no basis for distinguishing in this respect between so-called "out-of-pocket costs," or "actual" expenses, and other outlays which are none the less actually made because they are applicable to all traffic instead of being exclusively incurred in the traffic in question.

WEST VIRGINIA PASSENGER FARES.

In *N. & W. Ry. Co.* v. *Conley*, 236 U. S., 605, decided March 8, 1915, it was held that the fare of 2 cents a mile fixed for railway passenger traffic by the West Virginia statute offends against the due-process-of-law clause of the Federal Constitution as being confiscatory where, as applied to the entire intrastate passenger business of a carrier, separately considered, such fare yields at most a very narrow margin above the cost of such traffic.

STATUTE OF LIMITATIONS.

In *Phillips* v. *G. T. W. Ry. Co.*, 236 U. S., 662, decided March 15, 1915, it was held that neither proceedings begun by other shippers before this Commission to have certain increase in freight rates declared to be unreasonable nor findings of unreasonableness and orders issued thereon by the Commission will save the right of the shipper to recover the overcharge where he has disregarded the requirements of the act as to the time in which to file complaints after accrual of action.

WHEN LARGER CARS ARE SUPPLIED THAN THOSE ORDERED.

In *St. L. S. W. Ry. Co.* v. *Spring River Stone Co.*, 236 U. S., 718, decided March 22, 1915, it was held that a settlement in good faith on the basis of actual shipping weights of a controversy between shipper and carrier over the freight charges on goods transported in larger cars than the shipper requested, coupled with the absence of anything to show that the capacity of the cars so requested was noted upon the bill of lading and waybill, as is required by a rule in the carrier's tariff which provides that when larger cars are supplied by the carrier for its own convenience the freight charges shall be based upon the minimum carload capacity of the cars ordered by the shipper, prevents the carrier from recovering from the shipper the difference between the charge as settled and the rate based upon car capacity.

CONCURRENT JURISDICTION.

In *Pa. R. R. Co.* v. *Puritan Coal Mining Co.*, 237 U. S., 121, decided April 5, 1915, it was held that State and Federal courts have concurrent jurisdiction, without a preliminary finding by this Commission, of a suit by a coal mining company against an interstate carrier to recover the damages arising in interstate commerce out of the carrier's failure to furnish such company during the anthracite coal strike of 1902 with the cars to which it was entitled under the carrier's own rule that in times of shortage cars should be allotted on the basis of minimum capacity, since the rule itself not being attacked there is no administrative question involved. To the same effect, see *Eastern Ry. Co.* v. *Littlefield*, 237 U. S., 140, decided April 5, 1915; and *Ill. C. R. R. Co.* v. *Mulberry Hill Coal Co.*, 238 U. S., 275, decided June 14, 1915.

ERRONEOUS QUOTATION OF RATES.

In *L. & N. R. R. Co.* v. *Maxwell*, 237 U. S., 94, decided April 5, 1915, it was held that a carrier which has exacted less than the published rate for interstate round-trip passenger tickets over the different routes, going and returning, desired by the purchaser, may recover from such purchaser the difference between the amount paid and the amount which should have been charged and collected, although he could have gone to destination and returned over other routes, going and returning, at the rate which he paid.

REQUIRING TRAINS TO STOP AT STATIONS.

In *C., B. & Q. R. R. Co.* v. *Wisconsin R. R. Commission*, 237 U. S., 220, decided April 12, 1915, it was held that the requirement that every village having 200 or more inhabitants and a post office, and being within one-eighth of a mile of a railroad, must be given by such railroad the accommodation of at least two passenger trains each way each day, if four or more passenger trains are run each way daily, which is made by the Wisconsin statute without regard to the adequacy or inadequacy of the existing passenger service afforded such stations, amounts to an unlawful burden upon interstate commerce as applied to a railway company running only interstate trains.

UNITED STATES PROPERTY AND TROOPS OVER GOVERNMENT-AIDED RAILROADS.

In *S. P. Co.* v. *United States*, 237 U. S., 202, decided June 1, 1915, it was held that the full local rate can not be charged for the transportation of property and troops of the United States over the nonfree-haul portion of a through shipment over a continuous line of railway, part of which, under a United States statute, is free haul and the remaining part nonfree haul, but the Government is entitled to have the rate measured by the lesser through rate.

KANSAS STATUTE ALLOWING ATTORNEY'S FEES.

In *A., T. & S. F. Ry. Co.* v. *Vosburg*, 238 U. S., 56, decided June 1, 1915, it was held that the Kansas law which allows to a shipper who successfully sues a railroad company for failure to furnish cars a resonable attorney's fees, while no such allowance may be made in favor of a railway company in the event of its successful prosecution of a suit brought by it under such law against a shipper who has failed to use the cars promptly, violates the Federal Constitution.

INSTALLATION OF SCALES.

In *G. N. Ry. Co.* v. *Minnesota*, 238 U. S., 340, decided June 14, 1915, it was held that the enforcement of an order of a State railroad commission directing a railway company to erect in its stockyards in a specified village a scale of at least 6 tons' capacity, without affording the railway company an opportunity to abate any existing discrimination against such village by discontinuing the use of similar scales already installed at some other stock-shipping stations on its line, takes the railway company's property without due process of law.

VALUATION IN RATE MAKING.

In *Des Moines Gas Co.* v. *Des Moines*, 238 U. S., 153, decided June 14, 1915, it was held that the "going value" of a long-established and successful gas company was sufficiently taken into account in determining the value of the company's property for the purpose of testing the reasonableness of gas rates fixed by municipal ordinance, where the valuation was based upon a plant in actual and successful operation, and overhead charges were allowed for promotion, organization, and development expenses.

UPPER BERTHS IN SLEEPING CARS.

In *C., M. & St. P. Ry. Co.* v. *Wisconsin*, 238 U. S., 491, decided June 21, 1915, it was held that a State statute which prohibits the letting down of an unengaged and unoccupied upper berth in a sleeping car, when the lower berth in the same is occupied, takes property without compensation.

COMMODITIES CLAUSE.

In *United States* v. *D., L. & W. R. R. Co.*, 238 U. S., 516, deciedd June 21, 1915, it was held that a contract between a railway company, owning anthracite coal mines and a coal company with practically identical stock ownership and management by which the railway company sold the coal at the mouth of the mines to the coal company and instantly regained possession as carrier, retaining such possession until delivery at the conclusion of the interstate transportation to the coal company, which subsequently paid therefor at the contract price, viz, 65 per cent of the New York market price on the day of delivery at the mines, violates the commodities clause of the act to regulate commerce.

2. In the Circuit Courts of Appeals.

EXPLOSIVES.

In *Actiesselskabet Ingrid* v. *Cent. R. R. Co. of N. J.*, 216 Fed., 72, deicded July 2, 1914, the Circuit Court of Appeals for the Second Circuit held that a shipment of explosives in interstate or foreign commerce while in course of transportation is subject exclusively to the regulations prescribed by the Interstate Commerce Commission, and State or local laws have no application to it.

PRIOR ACTION BY THE COMMISSION.

In *Hocking Valley R. R. Co.* v. *N. Y. Coal Co.*, 217 Fed., 727, decided November 6, 1914, the Circuit Court of Appeals for the Sixth Circuit held that where a petition, in an action for denial by carrier of a switch-track connection, when it had given one to another shipper, did not allege that plaintiff had been deprived the connection with respect to interstate freight, and the evidence did not show this, or even that plaintiff was engaged in interstate transportation, it was not necessary to maintenance of the action that plaintiff should have submitted his claim to the Interstate Commerce Commission.

FEEDING IN TRANSIT.

In *Klink* v. *C., R. I. & P. Ry. Co.*, 219 Fed., 457, decided January 4, 1915, the Circuit Court of Appeals for the Eighth Circuit held that where an interstate carrier filed tariffs for the transportation of animals provided for feeding in transit and prescribed particular prices for feed when animals were held for a greater or less time than 15 days, there being no limitation in the time, a carrier's contract to feed animals in transit without reference to time would be valid if the same privilege was allowed to all shippers.

RECONSIGNMENT CHARGES.

In *Lehigh Valley R. R. Co.* v. *American Hay Co.*, 219 Fed., 539, decided December 15, 1914, the Circuit Court of Appeals for the Second Circuit held that where an interstate carrier permitted reconsignment of hay at a division point free of charge, provided that such reconsignment was made within 24 hours after arrival of cars, and charged $2 per car for reconsignment of hay at another point, without reference to time, such facts sufficiently showed a prima facie case of discrimination.

DEMURRAGE CHARGES.

In *Central R. R. of N. J.* v. *Anchor Line*, 219 Fed., 716, decided December 15, 1914, the Circuit Court of Appeals for the Second Circuit held that where interstate railroad carriers furnished lighters at tidewater free to shippers to transfer freight to ocean carriers, and the shippers did not employ or control the lighters nor agree to furnish a berth, so that there was no lien on the cargo for demurrage, the railroads, by inserting a charge against the steamship companies in their published tariff for demurrage, could not make them liable therefor. It was further held in this case that the interstate commerce law was not intended for the benefit of carriers but to protect passengers, shippers, and consignees.

REPARATION.

In *S. P. Co.* v. *Goldfield C. M. & T. Co.*, 220 Fed., 14, decided March 8, 1915, the Circuit Court of Appeals for the Ninth Circuit held that where a complaint against an interstate carrier to recover for freight paid at an unreasonable rate set forth at length all the facts stated in the findings of the Interstate Commerce Commission, including a finding that the rate was unreasonable, and that plaintiff was entitled to recover a specific amount named, with interest, it was not defective, because it did not expressly allege that plaintiff had been damaged by the excessive rate.

In *N. Y. C. & H. R. R. R. Co.* v. *Murphy*, 224 Fed., 407, decided June 8, 1915, the Circuit Court of Appeals for the Second Circuit held that this Commission in a case awarding reparation for excessive track storage charges need not insert in its opinion and order the findings of fact on which the award was made to complainants to justify maintenance by complainants of an action for the award.

TARIFF RATES.

In *T. & P. Ry. Co.* v. *New Roads O. M. & M. Co.*, 221 Fed., 246, decided April 20, 1915, it was held by the Circuit Court of Appeals for the Fifth Circuit that in computing the rate for a shipment over connecting carriers a tariff of the initial carrier, naming specific rates from designated points to other designated points, which did not include a junction point, does not apply, but the rate is to be based on the local tariffs of the initial carrier.

MEASURE OF DAMAGES.

In *Darnell-Taenzer Lumber Co.* v. *S. P. Co.*, 221 Fed., 890, decided April 6, 1915, the Circuit Court of Appeals for the Sixth Circuit held that the payment of freight charges subsequently found by the Interstate Commerce Commission to be unreasonable and excessive is presumptive evidence of damage to the shipper to the extent of the difference between the rate charged and a reasonable rate, and such presumption can be overcome only by definite proof, not resting upon uncertainty or conjecture, negativing the fact or the amount of damage; and hence the prima facie effect of the Commission's findings that shippers of lumber from Memphis to California were damaged by an excessive rate to the extent of the excess above a reasonable rate was not overcome by its further findings that the price of the lumber was little influenced by coast prices, that the shippers charged substantially the same price whether the sales were in the East, for export, or for shipment to California, and that thus the advance in the freight rate had been added to the price paid by the consumer.

CARETAKER OF LIVE STOCK.

In *Norfolk Southern R. R. Co.* v. *Chotman*, 222 Fed., 802, decided February 18, 1915, the Circuit Court of Appeals for the Fourth Circuit held that a shipper of live stock who is transported by the carrier on his shipping contract on condition that he feeds and cares for the stock and exempts the carrier from liability for its escape from the car is not given free transportation, but is a "passenger" for hire, the consideration paid being the service rendered in performing a duty of the carrier, and the latter can not by a further provision exempt itself from liability for his injury through its negligence.

MILLING IN TRANSIT.

In *Lewis, Leonhardt & Co.* v. *S. Ry. Co.*, 217 Fed., 321, decided October 16, 1914, the Circuit Court of Appeals for the Sixth Circuit held that where a contract between a shipper and a carrier for a milling-in-transit privilege was in material part violative of the interstate commerce act such illegal portion was alone sufficient to vitiate the whole contract and prevent recovery of damages for its breach.

PROPORTIONAL RATES.

In *Hocking V. Ry. Co.* v. *Lackawanna Coal & L. Co.*, 224 Fed., 930, decided May 4 ,1915, the Circuit Court of Appeals for the Fourth Circuit held that a joint proportional rate made by railroad companies from the Kanawha district

in West Virginia to Toledo, Ohio, "on cargo coal when for lake shipments beyond" does not apply to coal which, although originally intended for lake shipment, was sold and delivered to vessels at Toledo as bunker coal.

3. In the District Courts.

PRIOR ACTION BY THE COMMISSION.

In *Gimbel Bros.* v. *Barrett*, 215 Fed., 1004, decided August 10, 1914, the District Court for the Eastern District of Pennsylvania held that where a suit against a carrier for overcharge in violation of the interstate commerce acts involved only a construction of the carrier's published rate and its application to the shipments in question, the district court had jurisdiction to determine the controversy without an application having been first made to the Interstate Commerce Commission.

STOCKS AND BONDS ARE SUBJECTS OF INTERSTATE COMMERCE.

In *Compton Co.* v. *Allen*, 216 Fed., 537, decided July 6, 1914, the District Court for the Southern District of Iowa held that stocks, bonds, and other securities are subjects of interstate commerce, and shipments and sales of the same between the States are interstate commerce.

SELLING CONTRACTS NOT COMMERCE.

In *Standard Home Co.* v. *Davis*, 217 Fed., 904, decided October 15, 1914, the District Court for the Eastern District of Arkansas held that an investment company, which sells contracts requiring the purchaser to make monthly payments, which are invested by the company and, after a certain number of successive payments have been made, returned, is not engaged in commerce within the meaning of the Federal Constitution.

INTERSTATE AND INTRASTATE COMMERCE.

In *Connole* v. *N. & W. Ry. Co.*, 216 Fed., 823, decided September 2, 1914, the District Court for the Southern District of Ohio held that an interstate carrier may, through the same employee or employees, engage at a given time in intrastate commerce and at another time in interstate commerce.

COMPELLING PRODUCTION OF EVIDENCE.

In *United States* v. *Skinner*, 218 Fed., 870, decided December 31, 1914, the District Court for the Southern District of New York held that this Commission has power to compel the attendance and testimony of witnesses and the production of documents only in cases of complaint for violation of the interstate commerce act and in investigations upon matters that might have been made the subject of a complaint.

TIME FROM WHICH INTEREST RUNS.

In *Gimbell Bros.* v. *Barrett*, 218 Fed., 880, decided December 29, 1914, the District Court for the Eastern District of Pennsylvania held that where a shipper has been charged an unlawful rate on his shipments, he is entitled to recover the overcharges as of the date they were collected, not the date of the demand for the refund, and should therefore be allowed interest from the former date, not as interest strictly, but to give him, on the date of his recovery, an amount equivalent to the amount of his damages at the time they were suffered.

ARKANSAS PASSENGER FARES.

In *Boyle* v. *St. L. & S. F. R. R. Co.*, 222 Fed., 539, decided April 5, 1915, the District Court for the Eastern District of Arkansas held that the Arkansas passenger fare of 2 cents per mile applied to defendant's road was confiscatory, as a test showed that if the 2-cent rate should be put in force, the result of the company's intrastate business would be a deficit.

REASONABLE STREET CAR RATES.

In *Puget Sound T. L. & P. Co.* v. *Reynolds*, 223 Fed., 371, decided April 28, 1915, the District Court for the Western District of Washington held that an order of a public service commission, prescribing rates and fares to be charged on certain lines about 16 miles long by a street car company operating about 200 miles of railway, was not confiscatory, and deprived the company of no property rights, though it compelled the operation of such lines at a loss, if the entire system was operated at a profit.

CARMACK AMENDMENT.

In *American Brake Shoe & F. Co.* v. *P. M. R. R. Co.*, 223 Fed., 1018, decided June 22, 1915, the District Court for the Eastern District of Michigan held that where a carrier under its tariffs filed with the Commission has two rates on a certain commodity, varying as to value, a shipper, who has declared the lower value and thereby obtained the lower rate, is estopped, in case the property is lost, from recovering on the basis of a higher valuation.

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